SUPREME COURT OF THE UNITED STATES.

No. 12.

THOMAS HAMMOND'S ADMINISTRATRIX ET AL., COMPLAINANTS AND APPELLANTS,

VERSUS

EXECUTORS OF GEORGE WASHINGTON.

APPEAL FROM CIRCUIT COURT U. S. FOR ALEXANDRIA COUNTY, D. C.

INDEX.

	Original.	Print.
Citation	a	2
Appeal prayed and allowed	c,d	2,3
Title	1	3
Bill in chancery	1	3
Answer of the executors	5	7
Order of court referring the cause to the Commissioner	7	9
Bill of revivor	8	9
Cross bill of executors	13	14
Order of publication against absent defendants	22	21
Decree for a distribution of assets	22	21
Executors' accounts referred to Commissioner	26	25
Order confirming Commissioner's report	26	25
Petition to refer accounts to Commissioner	26	25
Circular to legatees of General Washington	28	26
Will of Mildred G. Hammond	29	27
Agreement of legatees	31	29
Commissioner's report	62 to 68	30
Bill of Smith, Calhoun & Co., and Ashton et al	68	94
Deed from B. Ashton to the executors of George Washington	69	95
Assignment of said deed from the executors to Thomas Hammond	71	97
Assignment from Hammond to Smith, Calhoun & Co	72	97
Letters from Hammond to Calhoun & Co	73	98
Letter from Ashton to Calhoun & Co	73	99
Answer of executors of George Washington to the bill of Sam'l Smith et al	74	99
Clerk's certificate	76	100

DISTRICT OF COLUMBIA, *to wit.*

To Bushrod Washington and Lawrence Lewis, acting executors of the last will and testament of General George Washington, deceased, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, being the present seat of the National Government, on the second Monday in January next, pursuant to an appeal granted by the Honorable Wm. Cranch, Chief Judge of the circuit court of the District of Columbia, in a cause lately depending in the said court for the county of Alexandria, wherein Thomas Hammond's administratrix and others are complainants, and you are defendants, to show cause why the decree rendered in the said cause should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable John Marshall, Chief Justice of the United States, this 28th day of July, 1829.

W. CRANCH.

To the Hon. William Cranch, Chief Judge of the circuit court of the District of Columbia:

The petition of Nancy N. Hammond, administratrix of Thomas Hammond, deceased, Samuel Washington, Samuel T. Washington, Augustine C. Washington, George F. Washington, and Frances A. Washington, children of the said Samuel Washington, and devisees of Mildred G. Hammond, by their said father, their guardian and next friend.

That heretofore, to wit, on the 19th day of May, 1823, your petitioners, with others, representatives and devisees of the late General George Washington, brought a suit in chancery in the United States' circuit court of the District of Columbia for the county of Alexandria against Bushrod Washington and Lawrence Lewis, acting executors of the last will and testament of the said General George Washington, for an account and distribution.

Your petitioners state, such proceedings were had in the said case, that, on the 6th day of May, 1826, the court decreed a distribution to be made upon certain principles therein stated, and referred the accounts relating to the same to a commissioner of the court, who executed the order, and returned his report, which was afterwards, to wit, on the 2d of December, 1826, confirmed by the court, and thus a final decree rendered in the case; at the rendition of which decree no appeal was taken from the said decree.

Your petitioners are advised that there is manifest error, not only in the proceedings of the circuit court in the said case, but in the decree of distribution, and final decree confirming the report of the commissioner, as will more fully appear by a transcript of the record hereunto annexed.

Your petitioners pray your honor to grant them an appeal from the said decree to the next Supreme Court of the United States, and a citation to the said executors, admonishing them to be and appear before the said court, to show cause why the said decree should not be reversed, &c. &c.

R. I. TAYLOR,
Solicitor for petitioners.

ENDORSED.

I am of opinion that the circuit court has no power to deny or to allow an appeal from its decisions: it is the right of the party to appeal, and that court cannot prevent it.

As far as I have any power or authority to grant the prayer of this petition, it is granted.

W. CRANCH,
Chief Judge, &c.

July 28th, 1829.

DISTRICT OF COLUMBIA, } *sct.*
Alexandria county, }

Pleas before the Honorable the Judges of the United States' circuit court of the District of Columbia for the county of Alexandria, at the court-house of said county, on the 19th day of May, 1823.

LAWRENCE A. WASHINGTON, and others, legatees under the last will and testament of the late General George Washington, of Mount Vernon, and the representatives of said legatees, *complainants*,

against

BUSHROD WASHINGTON and LAWRENCE LEWIS, acting executors of the last will of the said General George Washington, *defendants*.

Be it remembered, that heretofore, to wit, at an United States' circuit court of the District of Columbia continued and held for the county of Alexandria the aforesaid 19th day of May, 1823, the complainants, by Thomas Swann and Robert I. Taylor, their solicitors, this day appeared in open court, and filed their bill in equity against the defendants, for an account, &c.; which bill is in the words and figures following, to wit:

To the Honorable Judges of the circuit court of the District of Columbia, sitting at Alexandria:

Humbly complaining, showeth unto your honors your orators and oratrixes, Lawrence A. Washington, Robert Lewis, Dangerfield Lewis, administrator of George Lewis, deceased, Charles Carter, and Betty his wife, Robert Lewis, administrator of Fielding Lewis, deceased, Charles Lewis, Robert Lewis, jr., H. C. Dade, and Catharine his wife, Setron Foote, and Lucinda his wife, Thomas Davidson, and Nancy his wife, Alexander I. Spotswood, and Elizabeth his wife, which said Charles, Robert, jr., Catharine, Lucinda, Nancy, and Elizabeth, are the children and legal representatives of the said Fielding Lewis, deceased, Thomas Todd, and Lucy his wife, which said Lucy is executrix of George S. Washington, deceased, Samuel Walter Washington, William Washington, and George Washington, by the said Thomas Todd, his guardian and next friend, sons of the said George S. Washington, deceased, Samuel Washington, jr., John T. A. Washington, Samuel Scholly, Robert Beverly, executors, and Bushrod Washington, jr., and George C. Washington, sons and devisees of William A. Washington, deceased, William Robinson, John A. Washington, and Bushrod C. Washington, sons and devisees of Corbin Washington, and Hannah his wife, Samuel Washington, Samuel T. Washington, Augustine C. Washington, George T. Washington, and Frances A. Washington, children of the said Samuel Washington, and devisees of Mildred Hammond, infants,

said Samuel Washington, and Fayette Ball, Charles B. Ball, William Thompson, and Mildred his wife, Francis Ball, and John C. Gibson, and Martha his wife, claim under the will of their aunt, Mildred Hammond, a copy whereof is hereunto annexed as part of this bill, the residue of the legacy to which the said Mildred was entitled under the will of the said George Washington, which was not received by her husband, Thomas Hammond, during her life, as by the said will will more fully appear.

And your orators further charge that John Thornton, the husband of your oratrix Jane Thornton, has departed this life, having first duly made and published his last will and testament, whereof he appointed his son Washington Thornton his executor, who has duly proved the said will, and taken upon himself the burden of its execution; and your orators and oratrixes further charge that the whole interest of the said Elizabeth P. Custis, formerly Law, in the residuary estate of the said George Washington, is, by a deed of trust duly executed, vested in your orators Thomas Peter and George Calvert, as her trustees for her use and benefit.

And your orators and oratrixes further charge that the said Dangerfield Lewis is the administrator of the said George Lewis, duly nominated and qualified as such, but as administrator and in right of the said George Lewis he claims no part of the estate of the said General George Washington; the said George Lewis, in his lifetime, having assigned to the defendant Bushrod Washington the whole of his interest in the residuary estate of the said General George Washington.

That the aforesaid Howell Lewis departed this life on the day of ; that Ellen Lewis qualified as administratrix of his estate.

That the said George S. Washington departed this life on the day of , leaving a will, whereof he appointed your oratrix Lucy Tod executrix of him, the said George S. Washington, who duly qualified as such, and afterwards intermarried with your orator Thomas Tod.

That your orators, Walter Washington, William J. Washington, and George Washington, are the only children and devisees of the said George S. Washington.

That the said Harriet Parkes departed this life on the day of , leaving her husband, Andrew Parkes, and several children, whose names are unknown; that your orators, Samuel Washington, jr. and John T. A. Washington, are the only children and heirs of Thornton Washington, deceased; and that your orator, Samuel Washington, jr., hath assigned over his interest in the estate of the said George Washington, deceased, to your orator Samuel Scholly; that Ludwell Lee is the executor of Thomas Lee, who was the executor of Hannah Washington, who was the executrix of Corbin Washington, and who by her will devised all the interest which he left to her in the estate of General Washington to her sons; and that your orators John A. Washington, Bushrod Corbin Washington, and Mary Lee Herbert, are the only surviving children and heirs of the said Corbin Washington; that your orators Bushrod Washington, jr. and George C. Washington, are the only children now living of the above mentioned Jane Washington; that Frances Ball, who afterwards intermarried with Francis Peyton, survived her said husband, and departed this life on the day of , intestate; and that your orator Fayette Ball had taken out letters of administration upon her estate; that the above mentioned Maria Washington intermarried with R. Thornton, whom she survived, and that she departed this life on the day of , leaving two children, Churchill Jones and

Charles Augustine; and that your orator George F. Washington has been duly appointed a guardian to the said children, and is executor to the said Maria Thornton: that the said Samuel T. Washington, Augustine C. Washington, George F. Washington, and Frances Washington, are the only children of Samuel Washington, your orator, who claim as devisees under the will of Mildred Hammond; that the said Mildred Hammond, who, by certain deeds, copies whereof are filed as exhibits in this cause, was authorized to dispose of her interest in the estate of the said George Washington, by will, during her coverture, departed this life on the day of , having first duly made her last will and testament, a copy whereof is filed as an exhibit in this cause; that the said Thomas Hammond departed this life on the day of , and your oratrix Nancy N. Hammond qualified as administratrix; that your orators Thomas Peter and George Calvert are trustees for the said Elizabeth P. Custus, formerly the wife of Thomas Law, of all the interest of the said Elizabeth P. Custis in the estate of the said George Washington, deceased.

In tender consideration whereof, and for as much as matters of this kind are properly and only cognizable in a court of equity, to the end, therefore, that the said Bushrod Washington and Lawrence Lewis, who have prayed to be made defendants to this bill, may, upon their corporal oaths, true and perfect answer make to all and singular the premises; that they may set forth an account of the real and personal property which has been sold, may render an account of the proceeds thereof, and of the assets which have come to their hands, or which are still to be collected; that the amount to which your orators and oratrixes are severally entitled may be ascertained, and that the said defendants may be decreed to pay the same. May it please your honors, &c. &c.

THOMAS SWANN,
R. I. TAYLOR,
For complainants.

Whereupon, the defendants, by Walter Jones, their solicitor, with the consent of the complainants, also appear to the said bill in open court, and filed their answer to the same; which answer is in these words, to wit:

The answer of Bushrod Washington and Lawrence Lewis to the bill of complaint exhibited against them of Lawrence A. Washington and others.

These defendants, saving to themselves all benefit of exception to the said bill, for answer thereunto, or unto so much thereof as they are advised it is material to answer, they answer and say: They admit that the said George Washington, in the bill named, departed this life at the time therein mentioned, having duly made and executed his last will and testament, as in the bill is set forth, and for greater certainty they exhibit a copy of the same as part of their answer. They further admit, that the executors in the same will named, proved the same and took upon themselves the burthen of its execution. These defendants further admit, that they were empowered by the co-executors to manage the affairs of the said estate, which they undertook and exclusively conducted; they also admit and charge that they have exclusively acted in the administration and management of the said estate: they further admit, that the complainants are the devisees or representatives of the devisees of the residue of the estate of the said George Washington, and are entitled to claim distribution of the same in the manner and in the proportions stated in the bill. They admit the partition in the bill mentioned

of the western lands, as also of other parts of the personal property, and that the residue of the real and personal estate, except three hundred and seventy-three acres in Nansemond county, and a house and lot in Alexandria, conveyed to them by Archibald McClean since the death of their testator, under a contract between their testator and the said McClean, and a small tract of land lying on Difficult run, conveyed to them by the assignees of John Gill, a bankrupt; also one share in the Dismal Swamp company hath been sold by them; but they charge that a great proportion of the real and personal estate so sold was purchased by the plaintiffs and defendants, as will appear by a statement thereof, and by the account of these defendants, exhibited as a part of their answer. They admit that they have in their hands proceeds of the said real and personal estate, and sums of money yet to collect, subject to distribution under the said will; but for their own security, and that justice may be done to the plaintiffs, they have declined paying away the same without the sanction of a court of equity, after the sums due to each devisee or their representatives have been ascertained. These defendants further state, that, after the sales had been made as before mentioned, they fixed upon the sum of as the amount of each whole share, which might be safely paid to the devisees; some of them purchased to a greater amount than that sum of the estate which had been sold, some less, and others who did not purchase at all. To these two latter classes these defendants have made considerable payments in money, to some of whom balances are still due, and from the first class balances (whereof they pray an account) are due to the estate, so as to equalise the whole to the standard of the above mentioned sum of . These defendants further state, that, under two orders of the county court of Fairfax, the accounts of these defendants have been audited by Alexander Moore, appointed by the said court to perform that service, whose reports, bearing date, the first on the day of , and the second on the day of , were returned to the said county court, and were there approved and accepted. The payments and receipts of money by these defendants since the last of the said reports remain still to be settled; an account whereof, together with the said orders and reports, are filed herewith, as part of this answer. These defendants admit that they addressed to the plaintiffs a circular advising the bringing of this friendly suit as the only practical means by which a final settlement of these defendants' accounts could be obtained, and the residue of the assets could be disposed of amongst those entitled to receive them, so as to do justice to the devisees, and to secure the defendants against further risk or disputes. The defendants being willing to abide by such decree as this honorable court may make in the premises, pray to be hence dismissed, &c. &c.

W. JONES, *Solicitor for defendants.*

DISTRICT OF COLUMBIA, } to wit:
Alexandria county, }

Personally appeared before me, Nathaniel S. Wise, a justice of the peace for the county aforesaid, the within named Bushrod Washington, who made oath that the matters contained in the above answer, so far as they relate to his own knowledge, are true, and so far as they are founded upon the knowledge or information of others he believes them to be true. Given under my hand this seventh day of June, 1823.

N. S. WISE.

5.

And thereupon, by the consent of the parties aforesaid, by their solicitors aforesaid, it is ordered by the court, on this 19th day of May, 1823, that Alexander Moore be, and he hereby is, appointed special auditor and commissioner of this court, to take an account of all such matters of account between the parties in any manner touching or relating to the execution of the last will of General George Washington, the testator in the said bill and answer named, as are mentioned or referred to in said bill and answer, or as either party shall or may produce before him; and that the said auditor do, in his report of the proceedings in the premises, state such account or accounts as shall appear to him from the documents and evidence to be laid before him, to ascertain the just balance or balances claimed by the parties respectively, together with his explanation of the grounds and principles on which such accounts shall have been stated; and that the said auditor do further report to this court such special or alternative statements of the said matters of account referred to him as either party may suggest, and as he may deem proper to illustrate any matter in dispute; and that the said auditor be further authorized and required to take and report the depositions of such witnesses as either party may produce before him, giving to the parties respectively, or to their respective solicitors, reasonable notice of his proceedings in the premises: and by the like consent it is now here further ordered that general commissions for the examination of witnesses be issued at the request of any of the parties, or their respective solicitors, directed to any two justices of the peace in the United States; and by the like consent, this cause is set for final hearing at the next session of this court upon the bill and answer, the report of the said auditor, and the documents and evidence to be returned with the same, and upon such exceptions to the same as either party shall or may within thirty days after the return of such report filed in the cause, and upon such depositions and evidence as shall or may at any time before the next session of this court be duly taken under commission and filed in this cause. All exceptions to the auditor's report, or to the evidence produced on either side, to be argued and determined at the final hearing.

At another day, to wit, at an United States' circuit court for the District of Columbia, continued and held for the county of Alexandria the 28th day of April, 1825, (till which time the cause was regularly continued on the docket,) came the parties aforesaid, by their solicitors; and by consent the following bill of revivor was filed in these words, to wit:

To the Honorable the Judges of the circuit court of the District of Columbia for the county of Alexandria, sitting in chancery:

Humbly complaining, your oratrix, Mary D. Washington, widow, relict, and executrix of Lawrence A. Washington, deceased, late of Ohio county, in the State of Virginia, shows that the said Lawrence A. Washington, on or about the 19th day of May term, 1823, of this court, did exhibit with others his bill of complaint to this court against Bushrod Washington and Lawrence Lewis, acting executors of General George Washington, defendants, thereby, among other things, setting forth that General George Washington died some time in December, 1799, having first duly made his last will and testament, bearing date the 9th day of July, 1799, whereby, amongst other things, he devised all the rest and residue of his estate, real and personal, not before disposed of by the said will, to be sold by his executors at such times, in such manner, and on such credits, if an equal, valid, and satisfactory distribution of the specific property could not be made without, as

in their judgment should be most conducive to the interests of the parties concerned, and the moneys arising therefrom to be divided into twenty-three equal parts, and divided as follows: to William A. Washington, Elizabeth Spotswood, Jane Thornton, and the heirs of Ann Ashton, he gave four parts, that is, one part to each; to Fielding Lewis, George Lewis, Robert Lewis, Howell Lewis, and Betty Carter, five other parts, one to each of them; to George Steptoe Washington, Lawrence A. Washington, Harriet Parks, and the heirs of Thornton Washington, he gave four parts, one to each of them; to Corbin Washington, and the heirs of Jane Washington, two parts, one to each of them; to Samuel Washington, Francis Ball, and Mildred Hammond, three parts, one to each of them; to George Fayette Washington, Charles H. Washington, and Maria Washington, one other part, to each a third of that part; to Elizabeth P. Love, Martha P. Peter, and Eleanor P. Lewis, three other parts, one to each of them; and to Bushrood Washington, Lawrence Lewis, and to his ward, the grandson of his wife, one other third, a third part thereof to each of them. That of his said will he appointed his wife executrix, and the aforesaid William A. Washington, Bushrod Washington, George S. Washington, Samuel Washington, Lawrence Lewis, and his ward, George W. P. Custis, executors, all of whom, except his said wife, duly proved the said will, and took upon themselves the burden of executing the same; that, in consequence of the dispersed situation of the said executors, it was agreed amongst them, the said executors, that the said Bushrod Washington and Lawrence Lewis should have the entire management of the estate, which they undertook. They further state, that a considerable part of the western lands which could be divided, as also other parts of the personal property, were divided amongst the aforesaid devisees in specie, according to the proportions before mentioned, and that all the residue of the said estate, real and personal, a small part excepted, were sold by the two acting executors, defendants to the said suit, but to what amount they do not know. They admit that considerable payments have been made to them, or to those whom they represent, by the said acting executors; but they charge that a large sum still remains to be distributed, which said acting executors refuse to pay without the sanction of the decree of the court of equity, by which the sums due to each of the respective devisees shall be ascertained, as by a circular letter, addressed to the complainants by the said acting executors, B. Washington and Lawrence Lewis, appears. That the said William A. Washington departed this life, leaving Robert Beverly his executor, who proved the will and qualified according to law; that Alexander Spotswood survived his wife Elizabeth; he died leaving a will, in which he appointed William L. McCarty Spotswood his executor, who proved the will, and qualified under it; that Sarah Fitzhugh, one of the children and heirs of Ann Ashton, survived her husband, Nicholas Fitzhugh, who died, having made a will, and left Henry Fitzhugh her executor; he qualified under the said will; that the other children of Ann Ashton were Burdet Ashton, jr., Charles and Nancy Ashton; that the said Burdet, Charles, and Nancy Ashton, died in the lifetime of their father, Burdet Ashton, and that the said John A. Ashton qualified as the administrator of the said Burdet Ashton, jr.; that the said Burdet Ashton made a will and died, in which will he appointed the said John N. Ashton administrator, who qualified according to law; that Fielding Lewis died intestate, on whose estate no person hath taken letters of administration, leaving Charles A. Lewis, Robert A. Lewis, Catharine, the wife of Henry C. Dade

Lucinda, the wife of Gilson Foote, Nancy, the wife of Thomas Davison, and Elizabeth, the wife of Alexander E. Spotswood; that Dangerfield Lewis is the administrator of George Lewis, having in his lifetime assigned all his interest in the same to the said Bushrod Washington; that the said Howell Lewis is dead; that the said George S. Washington is dead, and left Lucy Washington, now Lucy Todd, his executrix; that Samuel, Walter, William T., and George Washington, are the only children of the said George S. Washington; that the said Harriet Parks died, leaving her husband, Andrew Parks, and several children, viz: Eliza Ann Parkes, Laura Parkes, Mary Parkes, Bushrod Washington Parkes, Andrew Parkes, and John Parkes; that Samuel Washington, jr., and J. T. A. Washington, the only children and heirs of Thornton Washington, deceased, and that the said Samuel Washington assigned over his interest in the estate of the said General Washington to Samuel Scolly; that John A. Washington, Bushrod C. Washington, and Mary Lee Herbert, are the only children and heirs of the said Corbin Washington; that Bushrod Washington, jr., and George C. Washington, are the only children and heirs of the said Jane Washington; that Frances Ball, who afterwards intermarried with Francis Peyton, survived her husband and died intestate; that Fayette Ball took out letters of administration on her estate; that Maria Washington aforesaid intermarried with Captain R. Thornton, whom she survived, but since dead, leaving two children, Churchill Jones and Charles A. Thornton; that the said George Washington was duly appointed guardian to the said children, and is executor to the said Maria Thornton; that the said Samuel T. Washington, Augustine Washington, George S. Washington, and Francis A. Washington, are the only children, and they claim as devisees under the will of Mildred Hammond; that the said Mildred Hammond, who was authorized to dispose of her interest in the estate of the said General George Washington by will, during coverture departed this life, having first made her will; that the said Thomas Hammond departed this life; that the said Thomas Peter and George Calvert are trustees for the said Elizabeth P. Custis, formerly the wife of Thomas Law, of all the interest of the said Elizabeth in the estate of the said George Washington.

To which bill the defendants aforesaid, on the 19th day of May, 1823, aforesaid, duly filed their answer, admitting, setting forth, and alleging, that the said General George Washington in the said bill named departed this life at the time therein mentioned, having duly made and executed his last will and testament; that the executors in the said will proved the same, and took upon themselves the burthen of its execution; that they were empowered by their coexecutors to manage the affairs of the said estate, which they undertook and have exclusively conducted; that the complainants in the said bill are the devisees or the representatives of the devisees of the residue of the estate of the said George Washington, and entitled to claim distribution of the same in the manner and proportions stated in the said bill. The partition is admitted in the *will* mentioned of the western lands, also of other parts of the personal property; and that the residue of the real and personal estate, except three hundred and seventy-three acres in Nansemond county, and a house and lot in Alexandria, conveyed to them by Archibald McClean since the death of their testator, under a contract between their testator and said McClean, and a small tract of land lying on Difficult run, conveyed to them by the assignees of John Gill, a bankrupt; also one share in the Dismal Swamp company to be sold by them; that a great proportion of

the real and personal estate so sold was purchased by the said complainants and the said defendants, as will appear by a statement thereof, and the accounts of the said defendants, exhibited as a part of their answer aforesaid; that they have in their hands proceeds of the said real and personal estate, and sums of money yet to collect, subject to distribution under the said will; but for their own security, and that justice may be done to the said complainants in the said bill, they have declined paying away any without the sanction of a court of equity, after the sums due to each devisee or representative have been ascertained. They further state, that, after the sales have been made as before mentioned, they fixed upon the sum of $5,178 68, being the 23d part of $119,110 21, as the amount of each whole share, which might be safely paid to the devisees, some of whom purchased to a greater amount than that sum of the estate which had been sold, some less, and others who did not purchase at all. To the latter class the said defendants made considerable payments in money, to some of them money is yet due, and from the first class balances are due to the estate, so as to equalise the whole to the standard of the abovementioned sum of $5,178 68, being the twenty-third part of $119,110 21 as aforesaid, whereof an account is prayed; that, under two orders of the county court of Fairfax, the accounts of the said defendants have been audited by Alexander Moore, appointed by the said court to perform the service, whose reports, bearing date, the first on the 1st day of July, 1811, and the second on the 18th day of September, 1820, were returned to the said county court, and were there approved and accepted.

The payments and receipts of money by the said defendants since the last of the said reports remain still to be settled, an account whereof, together with the said orders and reports, are filed as part of the said answer. The said defendants admit in their said answer that they addressed to the complainants a circular letter, advising the bringing of a friendly suit as the only means of obtaining a final settlement (one of which was received by the said Lawrence A. Washington and assented to by him) of the accounts, and the residue of the assets disposed of amongst those entitled to receive them, so as to do justice to the devisees, and secure the defendants against further risks or disputes. They admit they are willing to abide by such decree as the court may make in the premises, and pray to be dismissed.

Your oratrix further shows, that afterwards, on the same 19th day of May, 1823, such proceedings were thereupon had in this court, by the consent of the representatives, parties to the said bill, and by the special order of this court, as that the said Alexander Moore was appointed a special auditor and commissioner to this court, to take an account of all such matters of account between the parties, in any manner touching or relating to the execution of the last will of General George Washington, the testator in the said bill and answer named, as are mentioned or referred to in said bill and answer, as either party should or might produce before him; and that the said auditor should, in his said report of proceedings in the premises, state such account or accounts as should appear to him, from the documents and evidence laid before him, to ascertain the just balance or balances claimed by the parties respectively, together with his explanations of the grounds and principles on which such account or accounts shall have been stated; and that the said auditor should further report to this court such special or alternative statements of the said matters of account referred to him as either party might suggest, or as he might deem proper to illustrate any matter in dispute; and

that the said auditor should be further authorized and required to take and report the depositions of such witnesses as either party might produce before him, giving to the parties respectively, or to their respective solicitors, reasonable notice of his proceedings in the premises; and, by like consent, it was further ordered, that general commissions for the examination of witnesses be issued at the request of any of the parties or their respective solicitors, directed to any two justices of the peace in the United States; and, by like consent, the cause was set for final hearing at the next session of the court, to wit, at the November term, 1823, upon the bill and answer, the report to be made by the said auditor, and the documents and evidence to be returned with the same, and upon such exceptions to the same as either party should, within thirty days after the return of such report, file in the cause, and upon such depositions and evidence as might be duly taken before the November term aforesaid, under the commission filed in the said cause; all exceptions to the auditor's report, or to the evidence produced on either side, were to be argued and determined at the final hearing; all of which will more particularly and at large appear from the said bill and answer, and the several exhibits therein referred to, and the proceedings thereupon in this court; to all which your oratrix for greater certainty refers, and prays that all and singular the same may be taken and referred to as part of this her bill. And your oratrix further shows, that the said Alexander Moore, in pursuance and execution of the authority communicated to him by the said order, has proceeded to examine and state the accounts of the respective parties aforesaid, and has made considerable progress towards the completion of an account and report, as directed by the said interlocutory order; but so it is, may it please your honors, before any other proceedings were had in the said cause, the said Lawrence A. Washington died, whereby the said suit and proceedings became abortive, since whose death your oratrix, as executrix under his will, has taken upon herself the burthen of the said will, having duly qualified according to law under the same, in the county of Ohio, and State of Virginia, by virtue of which your oratrix is become entitled to the personal estate of the said Captain Washington, her husband.

To the end, therefore, that the said bill, answer, &c., so abated as aforesaid, may stand revived against the said defendants, and that your oratrix, as executrix, may be in the same plight, state, and condition, as the same were in at the time of the abatement thereof.

May it please your honors to grant to your oratrix the United States writ of subpœna, reviving the said cause, to be directed to the said defendants, thereby commanding them respectively, at a certain day and under therein to be limited, personally to be and appear before your honors in this court, then and there to show cause, if any they can, why the said proceedings, so abated as aforesaid, should not be revived, and be in the same plight, state, and condition as the same were in at the time of the abatement thereof, and your oratrix be further relieved.

At another day, to wit, the 20th day of April, 1825, came the said Bushrod Washington and Lawrence Lewis, acting executors of the said General George Washington, by their said solicitor, and filed a cross bill against the before mentioned William L. McCarty Spotswood, Noblet Herbert, and Mary Lee Herbert his wife; which bill is in the words and figures following, to wit:

To the Chief Judge and Associate Judges of the circuit court of the District of Columbia, for the county of Alexandria in chancery:

Humbly complaining, your orators Bushrod Washington and Lawrence Lewis, acting executors under the will of General George Washington, show, that, some time on or about the 19th day of May, in the year 1823, Lawrence A. Washington, Robert Lewis, Daingerfield Lewis, administrator of George Lewis, deceased, Charles Carter, and Betty his wife, Robert Lewis, administrator of Fielding Lewis, deceased, Charles Lewis, Robert Lewis, jr., H. C. Dade, and Catharine his wife, Setron Foote, and Lucinda his wife, Thomas Davidson, and Nancy his wife, Alexander E. Spotswood, and Elizabeth his wife, which said Charles, Robert, jr., Catharine, Lucinda, Nancy, and Elizabeth, are the children and legal representatives of the said Fielding Lewis, deceased, Thomas Tod, and Lucy his wife, which said Lucy is executrix of George S. Washington, deceased, Samuel Waller Washington, William Washington, and George Washington, by the said Thomas Tod, his guardian and next friend, sons of the said George S. Washington, dedeceased, Samuel Washington, jr., John T. A. Washington, Samuel Scholly, Robert Beverly, executor, and Bushrod Washington, jr., and George C. Washington, sons and devisees of William A. Washington, deceased, William Robinson, John A. Washington, and Bushrod C. Washington, sons and devisees of Corbin Washington, and Hannah his wife, Samuel Washington, Samuel T. Washington, Augustine C. Washington, George T. Washington, and Francis A. Washington, children of the said Samuel Washington, and devisees of Mildred Hammond, infants, by their said father, their guardian and next friend, Fayette Ball, administrator of Frances Peyton, formerly Ball, Charles B. Ball, William Thompson, and Mildred his wife, Frances Ball, and John C. Gibson, and Martha his wife, which said Fayette, Charles, Mildred, Frances, and Martha, are children of the said Frances Peyton, formerly Ball, and devisees of Mildred Hammond, Nancy H. Hammond, administratrix of Thomas Hammond, deceased, George F. Washington, in his own right, and as executor of Maria Thornton, deceased, C. A. Thornton and Churchill Jones Thornton, children of the said Maria Thornton, under age, by the said George F. Washington, their guardian and next friend, Jane Thornton, George W. P. Custis, Thomas Peter, and Martha P. Peter his wife, Thomas Peter and George Calvert, trustees of Elizabeth P. Custis, formerly Law, John N. Ashton, executor of Burdet Ashton, and of Burdet Ashton, jr., filed their bill in equity in this court, complaining and alleging that General Washington departed this life some time in December, 1799, having first duly made his last will and testament, bearing date 9th July, 1799, whereby, amongst other things, he devised all the rest and residue of his estate, real and personal, not before disposed of by the said will, to be sold by his executors at such time, in such manner, and on such credits (if an equal, valid, and satisfactory distribution of the specific property could not be made without) as in their judgment should be most conducive to the interest of the parties concerned; and the moneys arising therefrom to be divided into twenty-three equal parts, and applied as follows, to wit: to William A. Washington, Elizabeth Spotswood, Jane Thornton, and the heirs of Ann Ashton, he gave four parts, that is, one to each; to Fielding Lewis, George Lewis, Robert Lewis, Howell Lewis, and Betty Carter, five other parts, one to each of them; to George Steptoe Washington, Lawrence A. Washington,

Harriet Parkes, and the heirs of Thornton Washington, he gave four parts, one to each of them; to Corbin Washington and the heirs of Jane Washington, two parts, one to each of them; to Samuel Washington, Frances Ball, and Mildred Hammond, three parts, one part to each; to George F. Washington, Charles A. Washington, and Maria Washington, one other part, to each a third of that part; to Elizabeth P. Love, Martha P. Peter, and E. P. Lewis, three other parts, one part to each of them; and to Bushrod Washington, Lawrence Lewis, and to his ward, the grandson of his wife, one other third part, a third thereof to each of them. That of the said will he appointed his wife executrix, and the aforesaid William A. Washington, Bushrod Washington, George S. Washington, Samuel Washington, Lawrence Lewis, and his ward, George W. P. Custis, executors, all of whom, except his said wife, duly proved the said will, and took upon themselves the burthen of executing the same. That, in consequence of the dispersed situation of the executors, it was agreed amongst them, the said executors, that the said Bushrod Washington and Lawrence Lewis should have the entire management of the estate, which they undertook.

They further state, that a considerable part of the western lands which are susceptible of division, as also other parts of the personal property, were divided amongst the aforesaid devisees, in specie, according to the proportions before mentioned; and that all the residue of the said estate, real and personal, a small part excepted, was sold by the two acting executors, defendants to the said suit, but to what amount they do not know. They admit that considerable payments have been made to them, or to those whom they represent, by the said acting executors; but they charge that a large sum still remains to be distributed, which the said acting executors refuse to pay without the sanction of the decree of the court of equity, by which the sums due to each of the aforementioned devisees shall be ascertained, as by a circular letter, addressed to the complainants by the said acting executors B. Washington and L. Lewis, appears. That the said William A. Washington departed this life, leaving Robert Beverly his executor, who proved the will, and qualified according to law. That Alexander Spotswood survived his wife Elizabeth, and died, leaving a will, in which he appointed W. L. McCarty Spotswood his executor, who proved the will, and qualified under it. That Sarah Fitzhugh, one of the children and heirs of Ann Ashton, survived her husband Nicholas Fitzhugh, and departed this life, leaving a will, and left Henry Fitzhugh her executor, who qualified under the said will. That the other children of Ann Ashton were Burdit Ashton, jr., Charles, and Nancy Ashton. That the said Burdit, Charles, and Nancy Ashton died in the lifetime of their father Burdit Ashton; and that the said John N. Ashton qualified as the administrator of the said Burdit Ashton, jr. That the said Burdit Ashton made a will and died, in which will he appointed the said John N. Ashton executor, who qualified according to law. That Fielding Lewis died intestate, leaving Charles Lewis, Robert Lewis, (who administered on his estate,) Catharine, wife of Henry C. Dade, Lucinda, wife of Setron Foote, Nancy, wife of said Thomas Davidson, and Elizabeth, wife of said Alexander E. Spotswood, his only children. That said William A. Washington devised to his said sons B. Washington, jr., and G. C. Washington, as tenants in common, all his claims and demands upon the said executors of General George Washington, &c. That said William Robinson, in right of his wife, was entitled to certain parts and portions of the shares of her father, the said William A. Washington, and of her mother,

the said Jane Washington. That R. H. L. Washington, one of the sons of the said Corbin Washington, died intestate, whereby the said J. A. Washington and Bushrod C. Washington, together with their sister Mary L. Herbert, wife of Noblet Herbert, were entitled to their share of the residue of the said estate. That the said S. T. Washington, A. C. Washington, G. T. Washington, and Frances A. Washington, children of the said Samuel Washington, and Fayette Ball, Charles B. Ball, W. Thompson, and Mildred his wife, Frances Ball, and John C. Gibson, and Martha his wife, claim under the will of Mildred Hammond a portion of the legacy so devised to her as aforesaid. That John Thornton, husband of Jane Thornton, has departed this life, and appointed his son Thornton Washington his executor. That the whole interest of G. P. Custis, formerly Law, is vested in the said Thomas Peter and George Calvert, as her trustees. That Dangerfield Lewis is the administrator of George Lewis, but claims no part of the estate of General Washington in right of the said George, he, the said George, having in his lifetime assigned all his interest in the same to the said Bushrod Washington. That the said Howell Lewis is dead, and that Ellen Lewis qualified as administratrix on his estate. That the said George S. Washington is dead, and left Lucy Washington, now Todd, his executrix, who qualified as such. That Samuel, Walter, William J., and George Washington, are the only children of the said George S. Washington. That the said Harriet Parkes died, leaving her husband Andrew Parkes and several children, viz: Ann Eliza Parkes, Laura Parkes, Mary Parkes, Bushrod Washington Parkes, Andrew Parkes and John Parkes. That Ludwell Lee is the executor of Thomas Lee, and qualified as such, who was the executor of Hannah Washington, who was the executrix of Corbin Washington, and who, by her will, devised all her estate which the said Corbin left to her in the estate of General George Washington, to her sons. That Samuel Washington, jr., and J. T. A. Washington, are the only children and heirs of Thornton Washington, deceased, and that the said Samuel assigned over his interest in the estate of the said General Washington to Samuel Scholley. That John A. Washington, Bushrod C. Washington, and Mary Lee Herbert, are the only children and heirs of the said Corbin Washington. That Bushrod Washington, jr., and George C. Washington, are the only children and heirs of the said Jane Washington. That Frances Ball, who afterwards intermarried with Francis Peyton, survived her husband, and died intestate; that Fayette Ball took out letters of administration on her estate. That Maria Washington aforesaid intermarried with Captain R. Thornton, whom she survived, but since dead, leaving two children, Churchill Jones and Charles Augustine Thornton. That the said George F. Washington was duly appointed guardian to the said children, and is executor to the said Maria Thornton. That the said Samuel T. Washington, Augustine C. Washington, George F. Washington, and Frances A. Washington, are the children of Samuel Washington, and they claim as devisees under the will of Mildred Hammond. That the said Mildred Hammond, who was authorized to dispose of her interest in the estate of the said General George Washington by will, during coverture departed this life, having first made her will. That the said Thomas Hammond departed this life; that Nancy N. Hammond duly qualified as his administratrix. That the said Thomas Peter and George Calvert, are trustees for the said Elizabeth P. Custis, formerly the wife of Thomas Law, of all the interest of the said Elizabeth in the estate of the said General Washington.

9.

To which bill your orators forthwith, to wit, on the said 19th day of May, 1823, duly filed their answer, admitting, setting forth, and alleging that the said George Washington, in the said bill named, departed this life at the time therein mentioned, having duly made and executed his last will and testament. That the executors in the said will proved the same, and took upon themselves the burthen of its execution That they were empowered by their co-executors to manage the affairs of the said estate, which they undertook, and have exclusively conducted it. That the complainants in the said bill are the devisees or representatives of the devisees of the residue of the estate of the said George Washington, and are entitled to claim distribution of the same, in the manner and proportions stated in the said bill. The partition is admitted in the bill mentioned of the western lands, also of the other parts of the personal property; and that the residue of the real and personal estate, except three hundred and seventy-three acres in Nansemond county, and a house and lot in Alexandria, conveyed to them by Archibald McClean, since the death of their testator, under a contract between their testator and said McClean, and a small tract of land lying on Difficult run, conveyed to them by the assignees of John Gill, a bankrupt; also one share in the Dismal Swamp company, to be sold by them. That a great proportion of the real and personal estate so sold was purchased by the said complainants and your orators, as will appear by a statement thereof, and the accounts of your orators, exhibited as a part of their answer aforesaid. That they have in their hands proceeds of the said real and personal estate, and sums of money yet to collect, subject to distribution under the said will; but for their own security, and that justice may be done to the said complainants in the said bill, they have declined paying away the same without the sanction of a court of equity, after the sums due to each devisee or their representatives have been ascertained. They further state, that, after the sales had been made as heretofore mentioned, they fixed upon the sum of $5,178 68, being the 23d part of $119,110 21, as the amount of each whole share, which might be safely paid to the devisees, some of whom purchased to a greater amount than that sum of the estate which had been sold, some less, and others who did not purchase at all. To the latter class your orators made considerable payments in money; to some of them money is yet due; and from the first class balances are due to the estate, so as to equalise the whole of the standard of the above mentioned sum of $5,178 68, being the 23d part of $119,110 21, whereof an account was prayed.

That, under two orders of the county court of Fairfax, the accounts of your orators have been audited by Alexander Moore, appointed by the said court to perform the service, whose reports bearing date the 1st day of July, 1811, and the second on the 18th day of September, 1820, were returned to the said county court, and were there approved and accepted. The payments and receipts of money by your orators since the last of said reports remain still to be settled, an account whereof, together with the said orders and reports, are filed as part of the said answer. They admit that they addressed to the said complainants a circular letter, advising the bringing a friendly suit as the only practical means by which a final settlement of their accounts could be obtained, and a residue of the assets could be disposed of amongst those entitled to receive them, so as to do justice to the devisees, and to secure your orators against future risks or disputes. They admit their being willing to abide by such decree as the court may make in the premises, and pray to be dismissed, &c.

And your orators further shew, that afterwards, to wit, on the same 19th day of May, in the year 1823, such proceedings were thereupon had in this court by the consent of the respective parties to the said bill, and by the special order of this court, as that one Alexander Moore was appointed special auditor and commissioner of this court, to take an account of all such matters of account between the parties in any manner touching or relating to the execution of the last will of General George Washington, the testator in the said bill and answer named, as are mentioned or referred to in the said bill and answer, or as either party may produce before him; and that the said auditor do in his report of his proceedings in the premises state such account or accounts as shall appear to him from the documents and evidence to be laid before him to ascertain the just balance or balances claimed by the parties respectively, together with his explanations of the grounds and principles on which such account or accounts shall have been stated; and that the said auditor should further report to this court such special or alternative statements of the said matters of account referred to him as either party may suggest, or as he may deem proper to illustrate any matter in dispute; and that the said auditor shall be further authorized and required to take and report the depositions of such witnesses as either party might produce before him, giving to the parties respectively, or to their respective solicitors, reasonable notice of his proceedings in the premises: and, by like consent, it was further ordered, that general commissions for the examination of witnesses be issued at the request of any of the parties, or their respective solicitors, directed to any two justices of the peace in the United States; and by like consent, the cause was set for final hearing at the next session of the court, (to wit, at the November term, 1823) upon the bill and answer, the report to be made by the said auditor, and the documents and evidence to be returned with the same, upon such exceptions to the same as either party should, within thirty days after the return of the said report, file in this cause, and upon such depositions and evidence as might be duly taken before the November term aforesaid, under the commission filed in the said cause; all exceptions to the auditor's report, or to the evidence produced on either side, were to be argued and determined at the final hearing. All which will more particularly and at large appear from the said bill and answer, and the several exhibits therein referred to, and the proceedings thereupon in this court; to all which your orators for greater certainty refer, and pray that all and singular the same may be taken and referred to as part of this their bill. And your orators further shew, that the said Alexander Moore, in pursuance and execution of the authority communicated to him by the said order, has proceeded to examine and state the accounts of the respective parties aforesaid, and has made considerable progress towards the completion of an account and report, as directed by the said interlocutory order. And your orators, further complaining, shew, that at the time and times of the filing the said bill and answer, and of the making of the said interlocutory order, your orators were led to conclude and believe, and had well hoped and expected that all the persons interested in the distribution of the *residuum* of the real and *personal* estate, directed by the said will of the testator in the said bill and answer mentioned to be sold by the executors therein named, and to be divided and distributed into twenty-three equal parts and portions, and to be applied to and among the several and respective persons, and in the proportions, manner, and form, in the said will mentioned, had been made parties to the said bill; or, if there were any defect of parties,

10.

that the complainants in the said bill named would take care in due season to have all the parties interested as devisees or legatees, or as the representatives or *assigns* of devisees or legatees, in the distribution of the said *residuum*, pursuant to the said will, duly convened before this court, as parties complainant and defendant, so as to enable this court, in the due exercise of its jurisdiction over the subject matter of the said bill, to decree a complete and definitive distribution of the said *residuum*, or of the proceeds of the same, or of so much of the said *residuum*, or of the proceeds of the same, as yet remain to be distributed, pursuant to the directions of the said will; and so to enable your orators, by a punctual and faithful observance and obedience to such decree, finally to acquit and discharge themselves of the burthen of the execution of the said will, or of so much of the same as concerns the distribution of the said *residuum*. But now, so it is, may it please the court, that since the filing of the said bill and answer, and the making of the said interlocutory order, your orators have discovered that divers and sundry of the persons so interested in the distribution of the said *residuum*, either as original devisees and legatees in the said bill named, or as the representatives or assignees of such devisees or legatees, are not parties to the said bill either as complainants or defendants, that is to say, William L. McCarty Spotswood, executor of Alexander Spotswood, deceased, Andrew Parkes, George Washington Hammond, Nancy Jackson Hammond, Christopher H. Hammond, Mary Mildred Hammond, which four last named defendants are the children and heirs at law of Thomas Hammond, deceased, Ellen Lewis, administratrix of Howell Lewis, deceased, Henry Fitzhugh, executor of Sarah Fitzhugh, who was executrix of Nicholas Fitzhugh, deceased, Washington Thornton, executor of John Thornton, deceased, Robert Lewis, administrator of Fielding Lewis, Ludwell Lee, executor of Thomas Lee, deceased, who was executor of Hannah Washington, deceased, who was executrix of Corbin Washington, deceased, the said Noblet Herbert, and Mary Lee his wife, all of whom, except the said Noblet, and Mary his wife, are absent from the county and District, and are not citizens or inhabitants of the same.

And your orators further shew, that, from the number and dispersed residence and situation of the parties so interested in the said residuum as aforesaid—from the diversity and complexity of their several and respective interests and claims in and upon the said *residuum*, or the remaining proceed of the same—from the opposition of such claims and interests as between themselves, and the doubtful and litigated nature of many of the same, your orators cannot safely or certainly determine or know to whom or in what manner, or in what proportions to distribute or pay the *said residuum*, or the remaining proceed of the same, without the authority and sanction of a court of competent jurisdiction; and they cannot have such authority and sanction, nor safely proceed to such payment and distribution, or in any manner obtain a final and valid discharge or acquittance, without having all the persons so interested as aforesaid in such payment and distribution duly convened, either as parties to the said bill, or as parties to the proceedings and decree under which such payment and distribution shall be ordered and made; but that, in the absence of any of the said parties, your orators will be continually liable to be harassed and vexed with successive claims, in which all the matters settled or supposed to be settled by any decree to which such persons were not parties, may be opened to fresh and reiterated contestation, and your orators be thereby exposed to great loss, expense, and

vexation. And your orators further shew, that they are willing and desirous to have a speedy, effectual, and final distribution of the said residuum, to and among all the parties interested in the same; that so much of the proceed of the same as has been reduced to money or interest-bearing stocks, they have ready to pay over or transfer to and among the persons respectively entitled to the same, or in any other manner to be prescribed by this court. And your orators further shew, that they have earnestly and repeatedly applied themselves, in a friendly manner, to all and singular the complainants in the said bill named, and all and singular the other persons interested as aforesaid, requesting them to unite and concur as parties to the said bill, or in some other proceeding whereby a judicial determination of all the interests and claims in and upon the said *residuum* may be had, and whereby your orators may have a judicial sanction and authority for the payment and distribution of the same, pursuant to the will of the said testator; but the several persons above named as being interested in the said payment and distribution as aforesaid, and who are not parties to the said bill, persist in lying by, without coming forward, either as parties to said bill, or otherwise to have a definitive settlement of the said *residuum*, or of their several and respective interests and claims in and upon the same, whilst, on the other hand, the other persons interested in the same, and who are parties and complainants to the said bill, are pressing for a partial settlement, payment, and distribution of so much of the said *residuum*, or of the remaining proceeds of the same, as they respectively claim or have an interest in: all which tends to the manifest wrong, oppression, and injury of your orators. In tender consideration whereof, and for as much as your orators are remediless in the premises in and by the strict rules of the common law, and can have relief in this court only as a court of chancery; to the end therefore, that all and singular the parties interested in the distribution and payment of the said *residuum* as aforesaid, that is to say, the said William L. McCarty Spotswood, executor of the said Alexander Spotswood, deceased, Andrew Parkes, George W. Hammond, Nancy J. Hammond, Christopher H. Hammond, Mary Mildred Hammond, Ellen Lewis, administratrix, &c., Henry Fitzhugh, executor, &c., Washington Thornton, executor, &c., Robert Lewis, administrator, &c., Ludwell Lee, executor of Thomas Lee, deceased, who was executor of Hannah Washington, deceased, who was executrix of Corbin Washington, and the said Noblet Herbert, and the said Mary Lee his wife, may be made defendants to this bill, and upon their respective corporal oaths may full, true, and perfect answer make to all and singular the matters herein contained, as fully, &c. &c.; that they and each and every of them may particularly allege and set forth their several and respective claims, and in so far as there shall appear to be any opposition between the same, that they may allege and specify the same, that the whole may be audited and settled by the account directed to be taken in the suit herein before mentioned, and that the said suit may be consolidated herewith, all and singular the process of the one proceed, pari passu with the other; that your orators may be directed and authorized to deposite and pay into this court the shares and proportions of such of the said defendants, when duly audited and ascertained under the authority and direction of this court, as shall not be present to receive the same in person, and to give to your orators refunding bonds and final and valid discharges and acquittances for the same; and that such of the said defendants as shall be found by the said account to be indebted to your orators, or to the said executors, for purchases of any part of the real

or personal estate, constituting the said *residuum*, over and above their respective interests in the same, may be decreed to account and pay the same; and that a full and final account be had in the premises of the interests and claims of all the said parties, as well between themselves as between them and your orators; and that your orators may have such further and other relief as to this court may seem agreeable to equity and good conscience. May it please the court to grant to your orators the usual writ and writs of subpœna, to be directed to the said defendants, commanding them, &c. &c., and also the common order of publication against the said absent defendants, citing and requiring them, &c. &c. &c.

W. JONES, *Solicitor for complainants.*

Whereupon, at another day, to wit, at an United States circuit court of the District of Columbia, continued and held for the county of Alexandria the 19th day of April, 1825, came the parties aforesaid by their solicitors, and the following order of publication was made in these words, to wit: The defendants, William L. McCarty Spotswood, executor of Alexander Spotswood, deceased, Andrew Parkes, and Washington Thornton, executor of John Thornton, deceased, not having entered their appearance, and given security according to the statute, and the rules of this court; and it appearing to the satisfaction of the court, upon affidavit filed, that the said last mentioned defendants are not inhabitants of the District of Columbia; on the motion of the complainants by their counsel, it is ordered that the said absent defendants do appear here on the first day of next November term, and enter their appearance to this suit, and give security for performing the decrees of the court; and that a copy of this order be forthwith published for two months successively in one of the public newspapers printed in the town of Alexandria, and another copy be posted at the front door of the court-house of said county.

Teste, EDM. I. LEE, *C. C.*

At another day, to wit, at an United States circuit court of the District of Columbia, continued and held for the county of Alexandria the 6th day of May, 1826, came the parties aforesaid, by their solicitors, and these causes came on to be heard by consent of parties, this 6th day of May, 1826, on the original bill, and the answer of Bushrod Washington and Lawrence Lewis, the bill of revivor of Mary D. Washington, executrix of Lawrence A. Washington, deceased, the cross bill of Bushrod Washington and Lawrence Lewis, executors of George Washington, deceased, against William L. McCarty Spotswood, and others, the order of publication in the said cross suit, and the evidence that the same was published, and the answer of Mary L. Herbert, (relict and widow of Noblet Herbert, who hath departed this life since the last continuance of these causes, and as to whom the said cross bill hath abated,) the reports of Noblet Herbert and Alexander Moore, the special auditor and commissioner appointed by the court in this cause, together with the various exhibits filed, and upon the motion of the said Mary D. Washington, by her solicitors, and with the consent of the defendants named in her said bill of revivor, by their solicitors, it is ordered and decreed that the said original bill as to the said Lawrence A. Washington, one of the complainants therein named, and since deceased, be and the same is hereby revived in the name of the said Mary D. Washington, his executrix, against the said defendants; and it appearing to the satisfaction of the court, upon due proof, that the said William L. McCarty

Spotswood and others, the absent defendants named in the said cross bill, are not citizens or inhabitants of this District, and cannot be found within the same, and that the former order of this court appointing the first day of the last session of this court for the said absent defendants to enter their appearance to the suit, &c., has been duly published according to the tenor and effect thereof, and the said defendants not having entered their appearance to this suit on the day so appointed by the said order, or at any time since, and having in no respect obeyed or fulfilled the said order, it is, upon the motion of the said complainants in the said cross bill named, further ordered and decreed that the said cross bill be taken *pro confesso* against the said absent defendants; and with the said Mary L. Herbert, that the same be set for hearing as to her: and these causes then being fully heard and considered by the court, it is now, by the consideration of the court, and with the express consent of all the parties, complainants and defendants, to the original bill and bill of revivor, and with the like consent of the complainants in the said cross bill named, and of the said Mary L. Herbert, one of the defendants therein named, by their respective solicitors, decreed and ordered as follows:

First. That the report of Noblet Herbert, bearing date the 25th of July, 1825, setting forth, that in obedience to the order of this court, dated the 12th day of April, in the year aforesaid, he had caused to be published in the papers, and for the space of time designated in the said order, a notice that, on the 22d day of July, 1825, he should, as commissioner, sell at public auction, for cash, at the commercial reading room in Alexandria, one share of stock in the Dismal Swamp Land Company; and that in pursuance of, and in conformity with said notice, he had, at the time and place so appointed, put up the share aforesaid, to be sold at public auction for cash, to the highest bidder, when the same was struck of to James L. McKenna, as the highest bidder, at the sum of twelve thousand one hundred dollars, which sum was paid, and a deed of bargain and sale for the said share was executed by the said acting and surviving executors, the defendants in the original bill, and the said commissioner, to the said James L. McKenna, and that he had paid to the defendant Bushrod Washington the aforesaid sum of $12,100, according to the above order and decree, to which report no exception has been filed. And the court being satisfied of the truth and correctness of said report, it is decreed that the said report be, and the same, with all the matters and things therein contained, is hereby ratified and confirmed. And it is further decreed and ordered, that the said Bushrod Washington, after deducting from the said sum of $12,100 all the expenses attending the sale and conveyance of the said share in the Dismal Swamp Land Company, which he is to pay, and also the sum of $251, to which the said Noblet Herbert was entitled for his commission on the said sale, and which is to be paid by the said Bushrod Washington to the executors of the said Noblet Herbert, do distribute and pay the balance of the purchase money of the said share as is directed in relation to the residuary estate in a subsequent part of this decree.

Second. The report of Alexander Moore, the special auditor and commissioner, to which no exception has been filed, except by Nancy N. Hammond, administratrix of Thomas Hammond, deceased, and all the matters and things therein contained, except as to the account of the said administratrix of Thomas Hammond, is hereby ratified and confirmed. And it is ordered and decreed, with a reservation, by the like consent of parties, of so

much of the said report, and the exceptions thereto, as concern the accounts of the said Thomas Hammond, or his administratrix, and of Burdit Ashton, or his administrator, and with a reservation of the claim and interest of the devisees or appointees of Mildred Hammond, for such other or further decree as this court shall see fit hereafter to pass concerning the same, and with leave to the parties interested in the said reserved claims to move for further directions, or pray for further relief as to the same, by motion, petition, or supplemental or amended bill. That the defendants Bushrod Washington and Lawrence Lewis do, out of the assets of their testator in their hands, pay to Bushrod Washington, jr., and George C. Washington, the sons of William A. Washington, deceased, the sum of $536 11, reported to be due to the said William A. Washington, to which they appear to be entitled under the will of their said father, no deficiency of assets being suggested by Robert Beverly, the executor; to William Robinson, the sum of $328 02; to Fayette Ball, the administrator of Frances Peyton, deceased, the sum of $1,131 40; to George F. Washington, in his own right, and as guardian to the children, and as executor of Maria Thornton, deceased, the sum of $2,560 78; to Ellen Lewis, administratrix of Howell Lewis, deceased, the sum of $866 65; to Charles Carter, the sum of $146 98; to George Calvert and Thomas Peter, trustees of Eliza P. Custis, the sum of $619 79: and that the said Bushrod Washington and Lawrence Lewis be at liberty severally to retain out of said assets, after making the above payments, the sums reported to be due to them respectively.

Third. It is further decreed and ordered, that William L. McCarty Spotswood, executor of Alexander Spotswood, deceased, do, out of the assets of his testator, pay to the executors, Bushrod Washington and Lawrence Lewis, the sum of $1,028 83, the sum reported to be due by the said Alexander Spotswood, with interest from the 1st day of June, 1824, till paid.

That Washington Thornton, executor of John Thornton, deceased, do, out of the assets of his testator, pay to the executors of the said George Washington, deceased, defendants in the original suit, the sum $1,113 08, the sum reported to be due by the said John Thornton, with interest thereon from the said first day of June, 1824.

That Henry Fitzhugh, executor of Sarah Fitzhugh, executrix of Nicholas Fitzhugh, do, out of the assets of the said Nicholas Fitzhugh, unadministered in the hands of the said Sarah Fitzhugh at the time of her death, pay to the said executors, the defendants in the original suit, the sum of $28 17, with interest from the said first day of June, 1824.

That Lucy Todd, late Washington, executrix of George S. Washington, deceased, (Thomas Todd, late husband of the said Lucy, having departed this life since the last continuance, and the said original bill having abated as to him,) do, out of the assets of the said George S. Washington, pay to the said executors, defendants in the original suit, the sum of $5,768 25, with interest thereon from the said first day of June, 1824.

That Mary D. Washington, executrix of Lawrence A. Washington, do, out of the assets of her testator, pay to the said executors, defendants in the original suit, the sum of $408 01, with interest from the said 1st day of June, 1824.

That Andrew Parkes do pay to the said executors, defendants in the original suit, the sum of $331 13, reported to be due by him, with interest from the said 1st day of June, 1824.

That Samuel Washington do pay to the said executors, defendants in

the original bill, the sum of $1,692 35, reported to be due by him, with interest from the said 1st day of June, 1824.

That Robert Lewis do pay to the said executors, defendants in the original suit, the sum of $1,559 60, with interest from the 1st day of June, 1824.

That George W. P. Custis do pay to the said executors, defendants in the original suit, the sum of $705 36, reported to be due by him, with interest from the said 1st day of June, 1824.

That John A. Washington and Bushrod C. Washington do pay to the said executors, defendants in the original suit, $620 08¾, and as administrators of R. H. L. Washington the further sum of $310 04½, out of the assets of their testators, which sums are reported to be due by the heirs of Corbin Washington, deceased, with interest from the said 1st day of June, 1824.

That Thomas Peters do pay to the said executors, defendants in the original suit, the sum of $1,435 01, with interest from the said 1st day of June, 1824.

That Robert Lewis, administrator of Fielding Lewis, deceased, do out of the assets of his intestate, pay to the said executors, defendants in the original suit, the sum of $171 77, with interest from the said 1st day of June, 1824.

And the said John T. A. Washington and Samuel Scholly, assignees of Samuel Washington, do each of them pay to the said executors, defendants in the original suit, the former the sum of $226 12, and the latter the sum of $258 12, with interest on these sums respectively from the first day of June, 1824.

Fourth. It is further decreed and ordered, that the costs of these suits, as well those of the plaintiffs as of the defendants, be paid out of the assets of the estate of the said George Washington; and that, after payment of the same, and of the sums reported to be due to the persons mentioned under the second head of this decree, the defendants Bushrod Washington and Lawrence Lewis do distribute the assets in their hands, or which may hereafter come to their hands, amongst the persons entitled thereto by the will of their testator, and in the proportions therein directed; and leave is reserved to the parties in these suits, or to any or either of them, to apply to this court for further directions and orders respecting the future distribution and management of the assets and estate of the said George Washington, deceased, not settled and distributed by this decree, and for the further settlement of the accounts of the executors of the said estate, touching such other assets or estate as is not settled and distributed by this decree.

And it is further decreed and ordered, that the said Bushrod Washington and Lawrence Lewis do retain in their hands as much of the bank stock purchased by them with the assets of the estate as may be sufficient to support the survivors of the free negroes whom they have heretofore supported out of the assets of the said estate; and that they do sell the residue of the said bank stock at public or private sale, as they may think most to the advantage of all the parties concerned, and do distribute the proceeds in the manner above mentioned.

And it is, with the like consent, further decreed and ordered, that all notices, summonses, and rules upon any motion, petition, bill, or supplemental or amended bill, by any of the parties aforesaid, for further directions, order, or decree in the premises, shall be served on the solicitors of the adverse party, who are hereby authorized and required to acknowledge service of the same for the parties respectively.

At another day, to wit, at an United States circuit court of District of Columbia, continued and held for the county of Alexandria the 13th day of November, 1826, came the parties aforesaid, by their solicitors; and on the petition of Bushrod Washington and Lawrence Lewis, acting executors of George Washington, deceased, this day presented to the court, a copy of which is admitted to have been duly served on the solicitors of the adverse parties; it is by the court decreed and ordered in these suits that the accounts of the said executors, touching their receipts and disbursements of the assets of their testator's estate, since the decree made in the above suits at the last term of this court, be, and they are hereby, referred to the commisssioner who has heretofore acted, who is directed to ascertain and report to court the distributory shares of the respective legatees in the assets remaining in the hands of the petitioners, in order that a decree of further distribution may be made, and that the said commissioner do report to this court whether Andrew Parkes, Thomas Peter, and the representatives of George S. Washington, are entitled to any, and, if so, to what credits on account of the sales of certain lots in the city of Washington in the said petition mentioned, made under the decree of this court, sitting for the county of Washington, in the suits of Thornton Washington and others against the petitioner Bushrod Washington, as one of the heirs of the said George Washington, with all such matters pertaining to said sale as may enable this court to decide on the propriety of allowing or rejecting such credits; and further, that the said commissioner do report the precise sums to which the residuary legatees of the said George Washington are severally and respectively entitled out of the balance remaining in the hands of the petitioners to be distributed, and how the same ought to be applied.

At another day, to wit, at an United States circuit court of the District of Columbia, continued and held for the county of Alexandria the 2d day of December, 1826, came the parties aforesaid, by their solicitors; and master commissioner Moore having made and returned his report pursuant to the last order of this court, made on the petition of the defendants, the said executors, and the court having heard and considered the exceptions of the complainants Thomas Peter, Andrew Parkes, and the representatives of George S. Washington, by their solicitor, to the same, it is, this 2d day of December, 1826, further decreed and ordered, that the said report be, and the same is hereby, confirmed; that the said executors, in the disbursement of the assets remaining in their hands to be administered, conform themselves in all things to the said report, and the schedule or statement A thereto annexed, and pay and distribute such assets to and among the complainants accordingly.

To the Honorable the Judges of the circuit court for the District of Columbia.

The petition of Bushrod Washington and Lawrence Lewis, acting executors of George Washington, deceased, respectfully sheweth, that on the decree pronounced by this honorable court on the 22d day of the last April session of this court, in the cross suits of Mary D. Washington, executrix of Lawrence A. Washington, deceased, and others, against your petitioners, and your petitioners, against William L. McCarty Spotswood and others, it was, amongst other things, decreed and ordered as follows, viz: "and leave is reserved to the parties in these suits, or to any or either of them, to apply to this court for further directions and orders respecting the future distribution and management of the assets and estate of the said George Washington, deceased, not settled and distributed by this decree, and for

the further settlement of the accounts of the executors of the said estate, touching such other assets or estate as is not settled and distributed by this decree."

Your petitioners beg leave to state, that, since the date of the above decree, assets to a considerable amount have come to their hands, which they are willing and desirous to distribute under the sanction of a decree of this honorable court. They further state, that, in the accounts reported by the special commissioner of this court, and which formed the basis of the above decree, it appears that Andrew Parkes is debited with the sum of $772 85 for lot No. 5, in square 667, in the city of Washington, containing 11,890 square feet, at 6½ cents a foot; Thomas Peter is debited $429 75 for lot No. 12, in same square, containing 5,730 square feet, at 7½ cents a foot, and the sum of $256 79 for lot No. 13, in same square, containing 3,542 square feet, at 7½ cents the square foot; and that George S. Washington's estate is debited the sum of $265 66 for lot No. 14, in the same square, containing 3,321 square feet, at 8 cents the square foot.

And your petitioners further shew, that, since the date of the above decree, they were informed, which is confirmed by a transcript of the proceedings and decree hereafter referred to as a part of this petition, that under a decree of the circuit court for this District and county of Washington, in a friendly suit therein instituted by Thornton Washington and others against your petitioner Bushrod Washington, as one of the heirs of the said George Washington, the above mentioned lot No. 5, which had been previously sold by the executors of the said George Washington, deceased, to the said Andrew Parkes, for the sum before mentioned, was sold and conveyed by the commissioner appointed for that purpose by the said court to one John G. McDonald for the sum of $148 62½; and that the above mentioned lots No. 12, 13, and 14, which had been sold by the said executors to the said Peter and George S. Washington, for the sums aforesaid, were sold and conveyed by the same commissioner to one Charles Glover, at the price of 3 cents the square foot; all which sales, and the report of the said commissioner, were confirmed by the said court.

Your petitioners respectfully pray that their accounts as acting executors of the said George Washington, deceased, touching their receipts and disbursements of the assets of the said estate, since the decree aforesaid in this suit, may be referred to the same commissioner, and that a decree of this honorable court, for distribution of the assets remaining in your petitioners' hands may be made; and further, that it may be referred to the said commissioner to report whether the aforesaid Andrew Parkes, Thomas Peter, and the estate of George S. Washington, are severally entitled to any, and what assets on account of the aforesaid lots in the city of Washington, sold under the decree aforesaid of the circuit court for the District and county of Washington; and further that it may be referred to the said commissioner to report the precise sums to which the residuary legatees of the said George Washington are severally and respectively entitled out of the balance remaining in your petitioners' hands to be distributed, and how the same should be applied: and your petitioners, as in duty bound, will ever pray, &c.

BUSHROD WASHINGTON,
LAWRENCE LEWIS.

Circular to each of the legatees of General Washington.

As we hope that the time is not far distant when we shall be enabled to close our executorial duties, we feel anxious to do so under such a sanction as to prevent all future disputes when we are gone. Our accounts to the last of the year 1819 have been settled under orders of Fairfax court and approved: the only difficulty we apprehend, and wish to avoid, is the settlement of the individual accounts of the legatees; and this difficulty consists, as we apprehend, principally in the mode of calculating the interest. To us it is unimportant which rule is adopted, provided it is the legal one, and works uniformly. Such too, must be the wish of the legatees; but we cannot undersake to say what is that rule, nor are we willingto hazard the future responsibility by distributing the assets received, and to be received, according to what we might consider a just rule, but which might not hereafter be decided to be the legal one. There are but two modes by which our objects can be attained—a reference of the accounts to arbitration or a suit: the former we shall prefer, as most consonant with the injunction of our testator, if it were not attended by inseparable difficulties on account of the dispersed situation of the legatees, who consequently could scarcely be expected to agree upon the arbitrators: we therefore propose that the legatees should concur in instituting an amicable suit in chancery against us, to which we will immediately file an answer, and obtain an order of reference to the master, to adjust and report the precise sum to which each legatee is entitled; which being done, we can proceed with safety to pay such sums as fast as the money comes to our hands. We propose that the suit should be brought in the District of Columbia, partly as an indulgence to us, on account of the great convenience of carrying there our books and papers, and appearing before the master, and partly with a view to accelerate the final settlement, which might be greatly delayed by the official duties of one of us, which seldom permits him to leave home for any time after he has returned from his circuits. This court will, we conceive, be equally convenient to all his legatees and on the score of learning, and integrity is above all exceptions. For the convenience of the legatees, and in order to produce as much unanimity among them as possible, without which the plan we propose cannot be executed, we name the following lawyers practising at that bar, viz: Mr. Thomas Swann, Mr. Robert I. Taylor and Mr. Walter Jones, and select the latter to attend the settlement on the part of the executors. We should cheerfully give you the choice of the three, if we suppose it probable that so many persons, settled in different parts of this and the adjoining States, would concur in appointing any one or two of the number. We flatter ourselves that this proposition will be acceded to unanimously by the legatees, and that they will do justice to the motives which lead us to make it. Unless some plan is proposed by us to them, it is most obvious that they, without meeting together, can never concur in any; and should this fail, few of us may live to see a final settlement of the estate of our testator, as we cannot pay away the remaining assets until we are assured that it is legally done.

Should you concur in the above proposition, be so good as to say so, and to write to us without delay; you can authorize us to put your answer into the hands of Mr. Swann, Mr. Taylor, or any other lawyer, except Mr. Jones, or you can write to such lawyer a separate letter, if you please.

We hope to receive answers from all the legatees in 4 or 5 weeks, and if the bill can be filed this winter, a final decree may be had in the course of the next summer, which will be most desirable to us, and, as we should presume, to the legatees.

We are, very respectfully,
Your obedient servants,
BUSHROD WASHINGTON.

In the name of God, amen. I, Mildred G. Hammond, wife of Thomas Hammond, of the county of Jefferson, and Commonwealth of Virginia, being in low health, but of sound mind and disposing memory, do make and declare the following instrument of writing to be my last will and testament for the disposition of a legacy left me by the will of my uncle, General George Washington, late of Mount Vernon.

Imprimis. I bequeath to my beloved husband the use and benefit of my whole and entire legacy, thus left me as aforesaid, subject, however, to the conditions and limitations hereinafter mentioned, to have and enjoy the same for and during his natural life, and no longer.

Item. It is my will, that, if I should leave issue at my death that should survive my said husband, that the legacy aforesaid shall go to and be enjoyed by such issue, absolutely and in fee simple, after the death of my said husband; but if I should leave no such issue, it is my will that the remainder of my interest, after the death of my said husband, in the following tracts of land, shall go to and be enjoyed by my brother, Samuel Washington, for and during the term of his natural life, and no longer, in case he shall survive my said husband, to wit:

One tract on the Ohio, called the Round Bottom, containing five hundred and eighty-seven acres; on Little Kenhawa, twenty-three hundred and fourteen acres; sixteen miles lower down, twenty-four hundred and forty-eight acres; opposite Big Bent, forty-three hundred and ninety five acres; on Great Kenhawa, near the northwest, one thousand and ninety acres; on the east side, about twenty-two hundred and seventy-six acres; at the mouth of Cole river, two thousand acres; opposite thereto, twenty-nine hundred and fifty acres; the Beginning Spring, one hundred and twenty-five:

Kentucky. Rough creek, three thousand acres; on ditto, adjoining thereto two thousand acres:

Northwest Territory. On Little Miami, eight hundred and thirty-nine acres; on ditto, nine hundred and seventy-seven acres; on ditto, twelve hundred and thirty-five; Pennsylvania, the Great Meadows, two hundred and thirty-four acres: to one twenty-third part of which said tracts, I am entitled by virtue of the will of my said uncle, as will more fully appear by the reference to the said will, as also the description and value of said lands.

Item. It is my will that if my brother should not survive my husband, that my interest in the aforesaid tracts of land shall go to and be possessed by the heirs of my said brother, to take effect immediately after the death of my said husband; but if my said husband should think it most conducive to his interest to make sale of my share in said lands, it is my will that he shall have full power and authority to do so; and I do hereby authorize him to do the same. And it is further my will, that, if my claim to the said tracts of land should be sold by my husband, that his estate after his death shall only be chargeable with the price which he may receive for the same; and that he enjoin it on his executors to lay out the same in the purchase

of bank stock, the interest of which I devise to my said brother, for and during his natural life, and no longer; and after his death, to be equally divided amongst his children. But if my said husband should not make sale of my interest in said lands, and I should have no issue, it is my will that, after his death, my said brother shall receive the rents and profits of the same during his natural life, and no longer, and then the same to be equally divided amongst his children, in see simple.

Item. It is my will that the residue of the legacy to which I am entitled under the will of my said uncle, and which hath not been nor will not be received by my said husband during my life, shall be equally divided betwixt the heirs of my said brother and the children of my sister Peyton by her first husband, Col. Burgess Ball, to be equally divided amongst them; and the reason I have made no provision for the children of my deceased brother, Major George Washington, I wish to be understood to be a consciousness that they are well and amply provided for.

Item. I bequeath to my beloved mother the sum of fifty pounds per annum, to be paid her by my said husband; and in case she should survive him, then the same to be paid by my brother Samuel, out of the legacy left them by me.

Item. I bequeath unto Nancy Stone and Elizabeth Hall, sisters of my said husband, of the kingdom of Ireland, two pictures—to the first named, the picture of my uncle, General George Washington; and the second, the picture of my said husband.

Item. To my nephew, George H. Ball, one mourning pin, with the hair of his uncle Washington; to Francis H. Ball, I give and bequeath one pair of bracelets; and to my niece, Patey Ball, I bequeath one large paste pin. And, in order to shew the authority of this my said will, I refer to two indentures of writing, one executed by my said husband and myself to my mother, Mildred Washington, conveying to her our entire claim to the said legacy left me as aforesaid, and the other by my said mother, to my said husband and myself, conveying to us a joint estate in the same for and during our natural lives, with a power to me to devise the same by will at my pleasure; both of which instruments bear date on the 1st day of December, 1801; and I desire that the same may accompany this my said will and testament; and I do hereby revoke all others by me heretofore made.

Lastly, I do appoint my beloved husband, Thomas Hammond, the sole executor of this my said will.

MILDRED G. HAMMOND.

Signed and acknowledged before us, this day of eighteen hundred and four.

JANE STEPHENSON.
JOHN McMASTERS.
JAMES ANDERSON.

At a court continued and held for Jefferson county the thirteenth day of February, 1805, the within last will and testament of Mildred G. Hammond, deceased, was proved by the oath of James Anderson, one of the witnesses thereto.

Teste, GEORGE HITE, *C.*
A copy. Teste, GEORGE HITE, *C.*

ALEXANDRIA, *July 19th*, 1802.

At a meeting of the legatees under the will of the late General George Washington, deceased, requested by the executors, with a view to consult them upon certain questions arising under the said will—

1. It was agreed unanimously, that the opinion of the majority of the legatees present upon any question submitted to them should govern the whole; those acting in the capacity of guardians consenting to the rule so far only as they are authorized by law to bind their wards, but they deem their wards in honor bound to conform thereto.

2. It was agreed unanimously by the legatees present, that they will not contest the validity of the said will as to property situated out of this State, though the same should not be available by the laws of such States; and that the said will shall be executed according to the tenor thereof. Those acting as guardians consent to this agreement only so far as by law they are authorized to bind their wards, but they deem their wards in honor bound to conform thereto.

3. Agreed that the carriages, horses, mules, cattle, sheep, hogs, together with all the personal estate, except the stock of the United States, the Potomac and James river shares, and the bank stock, be sold by the executors.

4. Agreed that the lands on the Great and Little Kenhawa, and on the Ohio, be divided, and the residue of the lands be sold by the executors. The lands in the Northwest Territory and in Kentucky, are included in those which are to be sold.

5. Agreed that the stock of the United States, the bank stock, Potomac and James river shares, be divided, except one share in the Potomac Company, which is to be sold.

Signed.

Bushrod Washington,
Fielding Lewis,
Howell Lewis,
William Robinson,
Francis H. Peyton,
Robert Lewis,
Charles Carter,
B. Ashton,
Andrew Parkes,
George Washington,
Thomas Lee, jr., for the children of Corbin Washington, dec'd,
A. Spotswood,
Thomas Law,
Law. Washington, jr., for the children of Thornt. Washington,
B. Ashton, jr.,
Wm. Augt. Washington,
Law. Lewis,
Samuel Washington,
Thomass Hammond,
N. Fitzhugh,
Law. A. Washington,
Tobias Lear.

We agree to the sale of the James river shares, and nine shares of the Columbia bank stock.

B. Washington,
Charles Carter,
Wm. A. Washington,
Thos. Lee, jr.,
for the children of
Corbin Washington,
Francis H. Peyton,
Andrew Parks,
B. Ashton,
William Robinson,
Law. Washington, jr.,
for the children of
Thornt. Washington,
B. Ashton, jr.,
Robert Lewis,
Samuel Washington,
Howell Lewis,
Law. A. Washington,
Fielding Lewis,
Tobias Lear,
George Washington.
N. Fitzhugh.

16.

DISTRICT OF COLUMBIA, *Alexandria county*, set.

LAWRENCE A. WASHINGTON and others, *complainants*, *against* BUSHROD WASHINGTON and LAWRENCE LEWIS, acting executors of General George Washington, *defendants*. } *In chancery.*

Report of the Auditor and Commissioner.

In compliance with the annexed order (see page 7) of the honorable United States circuit court of the District of Columbia, sitting in chancery at Alexandria, the undersigned auditor and commissioner reports:

First. He has settled the executorial accounts of the defendants, which are herewith exhibited, from which it appears, that, on the fifth day of February, 1825, there was due Bushrod Washington, as executor, the sum of $2,501 83, and to Lawrence Lewis, $10,872 69, after the payment of which balances there will be a considerable fund in the executors' hands, arising from the sale of bank and other stocks now on hand, one share in the Dismal Swamp Land Company, moneys due the estate now in suit, and the real estate enumerated in the defendants answer.

Secondly. He has settled the accounts by the residuary legatees with the executors, based upon the distribution of the sums of $7,690 82, and $119,110 21, giving to each legatee of a full share one-twenty-third of the said sums, as shewn by paper A, herewith exhibited; which accounts are also exhibited, and numbered from one to twenty-four, inclusive. In stating the interest accounts, the same rule has been applied to each legatee, by making an account current for interest, bringing the calculations down to the 1st day of June, 1824.

The case of Thomas Hammond (account No. 11) is the only one of difficulty that presents itself to the auditor; he was entitled to a full share of the residuary estate in right of his wife, for which he has credit in his account. Hammond took an assignment from the executors of a mortgage given to them by Burdett Ashton, jr., to secure the sum of $9,410 20; Ashton being entitled to his own right, and in right of his sister, to two-thirds of a share of the residuary, which, deducted from the amount of the mortgage, left a balance due on the mortgage of $5,957 50, to bear interest from the 7th day of June, 1803. The defendants contend that this debt and mortgage was signed to Hammond, in discharge of his claim on the residuary estate to the period of the assignment, amounting to $5,178 68, and that he is bound to them for the excess of Ashton's debt above his, Hammond's, claim, to secure which excess he gave the executors a mortgage on his estate in Jefferson county, Virginia. Hammond assigned the assigned mortgage of Ashton to Smith, Calhoun & Co., who instituted a suit to foreclose the same. The Chancellor referred the matter to commissioner Keith, to state an account between the parties, which he did, and made the balance due on the mortgage $6,865 95, on the twenty-second August, 1808; and the Chancellor decreed upon that sum, with interest from twenty-second August, 1808, till paid, although the account was erroneously stated by the commissioner, he having debited Ashton with interest from March 12th, 1805, to 22d August, 1808, which should have been from 7th June, 1803, as is shewn by the mortgage. On the 15th of October, 1810, the assigned mortgage was foreclosed, and the lands therein mentioned sold for the sum of $4,006 24. In this case, the auditor and commissioner presents for the

court's consideration three accounts, 1, 2, 3; in the first he charges Hammond with the balance due by Ashton on the mortgage, June 7th, 1803; in the second, with the sum the mortgaged premises sold for; and in the third account, with the balance due on the mortgage according to commissioner Keith's report.

All the papers relative to the matter are herewith filed.

The following are the debtor legatees, as shown by their accounts, viz:

Alexander Spotswood,	account No.	3	$1,028 83
Col. John Thornton,	do.	4	1,113 08
Burdett Ashton, jr.,	do.	5	6,197 70

(This sum of $6,197 70 is due by Ashton, provided Mrs. Hammond recovers on statement 2, made by the commissioner; should she not recover, then Ashton's account is balanced.)

Nicholas Fitzhugh,	account No.	6	28 17
George Steptoe Washington,	do.	7	5,768 25
Lawrence A. Washington,	do.	8	408 01
Andrew Parks, account No.		9	331 13
Samuel Washington, executor,	do.	10	1,692 35

Thomas Hammond. In this case three accounts are presented for the court's consideration.

Robert Lewis	account No.	15	1,559 60
Geo. W. P. Custis,	do.	19	715 36
Corbin Washington's heirs,	do.	20	930 13
Thomas Peter,	do.	21	1,435 01
Fielding Lewis's heirs,	do.	22	171 77
Thornton and Samuel Washington,		23	484 24

The following are the creditor legatees, viz:

William Augustine Washington,	account No.	1	536 11
William Robinson,	do.	2	328 02
Francis Peyton, Mrs. Ball,	do.	12	1,131 04
Geo. A. Washington's children,	do.	13	2,566 78
Lawrence Lewis,	do.	14	5,138 61
Howell Lewis,	do.	16	866 65
Charles Carter,	do.	17	146 98
Bushrod Washington,	do.	18	199 92
Eliza P. Custis, Mrs. Law,	do.	24	619 79

All which is respectfully submitted by

A. MOORE, *M. C.*

COMMISSIONER'S OFFICE, *Alexandria, April* 19, 1825.

The mortgage from Burdett Ashton, jr., to George Washington's executors, by them assigned to Thomas Hammond, and by Hammond assigned to Smith, Calhoun, & Co., was foreclosed as speedily as possible in the high court of chancery in Virginia; that, at the period of its foreclosure, Ashton was insolvent, and died so. From my knowledge of the case, I am satisfied that all due diligence was used in relation to the foreclosure of the mortgage.

A. MOORE, *Master Commissioner.*

ALEXANDRIA, 10*th January*, 1826.

NOVEMBER TERM, 1826—IN CHANCERY.

George Washington's executors against William L. McCarty Spotswood and others; and Mary D. Washington, executrix of L. A. Washington, against George Washington's executors.

Pursuant to the annexed decree (see page 26) and order of the honorable United States' circuit court of the District of Columbia for the county of Alexandria, passed at this term, the undersigned commissioner reports, that he has settled the executorial account of Bushrod Washington, one of the acting executors of General George Washington, deceased, which is hereto annexed, which shews a balance of $8,897 70 ready for distribution. The statement A, hereto annexed, shews the balances due by the debtor legatees to the 23d of November, 1826; the cash payments to be made to each creditor legatee; the credit to be allowed on the account of each debtor legatee, and the balances respectively due by the said debtors after the said credits are allowed them.

Your commissioner has examined the record of the proceedings touching the sales of certain lots in the city of Washington, made under a decree of this court sitting at Washington, and find that Andrew Park, Thomas Peter, and the representatives of George Steptoe Washington, are entitled to the credits given them in their respective accounts, which are hereto annexed, with interest as stated from 6th November, 1817, (the day of the confirmation of the sale by the court of the said lots) till first June, 1824. A transcript of the proceedings referred to is filed herewith.

After making the above distribution, there will remain in the hands of the executor, Bushrod Washington, $188 37.

A. MOORE, *M. C.*

November 18, 1826.

CONDENSED STATEMENT A.

Legatees.	Principal due by decree with interest to 22d Nov. 1826.	Credit.	Cash.	Balances due by debtor legatees.
W. L. Mc. Spotswood, executor of A. Spotswood, - -	$1,181 66	$653 95	-	$527 71
Washington Thornton, - -	1,278 55	653 95	-	624 60
H. Fitzhugh, ⅓ - - -	32 33	32 33	$185 64	
J. N. Ashton, ⅔ - - -	6,197 70	435 96	-	5,761 76
Lucy Todd, executrix of G. S. Washington, - - -	6,198 57	653 95		5,544 62
Mary D. Washington, executrix of Lawrence A. Washington, -	468 67	468 67	185 28	
Andrew Park, - - -	141 84	141 84	512 11	
Samuel Washington, - -	1,943 89	653 95	-	1,289 94
Robert Lewis, - - -	1,791 98	653 95	-	1,138 03
G. W. P. Custis, ⅓ - -	810 18	217 98	-	592 20
John & Bushrod C. Washington, ⅔	712 25	435 96	-	275 41
Richard H. L. Washington's administrator, ⅓ - -	356 13	217 98	-	138 16
Thomas Peter, - - -	1,110 61	653 95	-	456 65
J. T. A. Washington, ½ - -	259 72	259 72	67 25	
Samuel Scholly, ½ - -	-	-	326 92	
Bushrod and G. C. Washington, ⅔ their father's share $435 96				
do. mother's do. 435 96	-	-	871 92	
William Robinson, ⅓ of W. A. Washington's share, $217 98				
do. of Jane Washington's 217 98	-	-	435 96	
Fayette Ball, - - -	-	-	653 95	
G. F. Washington and his sister's children, - - -	-	-	653 95	
Ellen Lewis, - - -	-	-	653 95	
Charles Carter, - - -	-	-	653 95	
Mrs. Custis, - - -	-	-	653 95	
Law. Lewis, a share and a third, -	-	-	871 93	
Bushrod Washington, the same, -	-	-	871 93	
Mrs. Hammond's devisees, -	-	-	653 95	
Fielding Lewis's administrator, -	197 20	197 20	456 73	
			$8,709 42	
Left in executor's hands, -	-	-	188 37	
			$8,897 79	

The estate of General George Washington, in account with Bushrod Washington, executor.

Dr.

1825			
Feb. 5.	To balance due the executor this day	- -	$2,501 83
May 4.	To cash paid N. Herbert, fee in the amicable suit	-	50 00
May 11.	Do	Burton, fee in the suit with Alexander, chancery court Fredericksburg -	11 23
May 21.	Do	Commissioner Moore, fee in the amicable suit - - - -	247 50
Jan. 27.	Do	George F Washington, in part of what is reported to be due him and his sister's children in the amicable suit -	2,000 00
Aug. 6.	Do	Lawrence Lewis, in part of what is reported to be due him - -	4,000 00
Sept. 17.	Do	Edmund I. Lee, jr., a fee to defend two suits brought against McLean by Tomlinson and Cresup, in the Clarksburg chancery court - -	50 00
Sept. 17.	Do	Shields and Ashburn, advertising Dismal Swamp share - - -	20 00
Sept. 17.	Do	Ritchie and Gooch's account for same	8 00
Nov. 25.	Do	Z. Poulson do do -	5 00
Dec. 7.	Do	Snowden and Thornton do and also for publishing decree in the friendly suit - - - -	32 50
Dec. 14.	Do	by check on Potomac bank favor Ellen Lewis, administratrix of Howell Lewis in part of decree, - -	300 00
	Do	fee bills - - - -	6 57
	31. To 224 lbs. pork, and hauling, for free negroes	-	9 00
	cash paid magistrates for certifying deed for Dismal Swamp share - - -		1 00
	Do	linen for free negroes, winter and summer - - - -	4 52
	Do	meal for same for the first half year, at 40 cts. per bushel, (and from the 1st July in consequence of the drought, which compelled me to pay for a large quantity at 72 cts.,) 60 cts. average - - - -	37 40
	Do	outside clothes for four free negroes, the fifth having died - -	8 80
	Do	rent and fuel for two at Mount Vernon	17 50
	Do	shoes and stockings for the four -	6 00
1826			
May 6.	To cash paid S. A. Marsteller, auctioneer, for selling Dismal Swamp share - -		31 25
May 11.	Do	the trustees of E. P. Custis in full of decree - - - -	619 79
Jan. 24.	Do	Gales and Seaton for advertising Dismal Swamp share - - -	19 87
Mar. 17.	Do	New York American do - -	6 25

May 4.	To cash paid Clagett's tavern, expenses attending to suit		$12 00
May 61.	Do	George C. Washington, sum decreed him in the friendly suit	268 5½
	Do	Bushrod C. Washington, executor of sales N. Herbert, his commission on of Dismal Swamp share	251 00
June 9.	Do	Edmund I. Lee, fee bill in friendly suit	11 16
June 17.	Do	Fayette Ball, in full of decree in his favor	1,131 04
	Do	in part of taxes on an undivided one third of Hammond's land, returned delinquent,	14 70
June 29.	Do	in full of do	3 33
July 14.	Do	Charles Carter, sum decreed him	146 98
	Do	William Robinson, do	328 02
Aug. 12.	Do	Mrs. Ellen Lewis, in full of decree	566 65
	Do	George F. Washington, in full do	566 78
	Do	Bush. Washington, jr. do do (omitted May 18)	268 5½
	Do	linen for free negroes summer and winter	4 50
	Do	meal for four free negroes at 80 cts.	48 00
	Do	outside clothes for do	8 36
	Do	rent and fuel for two do	17 50
	Do	shoes and stockings for four do	6 00
	Do	postage since May, 1823	45 00
	7½ per cent. commission on $21,183 59, received and paid over		1,588 75
	balance for distribution		8,879 70
			$24,183 59

Cr.

1825 Feb. 5.	By dividend received by me on the Rock Hall bank stock, debited the estate in the suit with Alexander, by the decree of the Fredericksburg chancery court		217 94
	6 per cent. stock paid off 1st January		3,000 00
June 14.	Potomac bank dividend of May		14 00
	cash on account of Alexander's debt		1,252 58
July 23.	sale of Dismal Swamp stock, as per commissioner's report		12,100 00
Dec. 8.	November dividend bank of Potomac		14 00
1826 Jan. 18.	cash of G. Alexander in part decree *vs.* himself	$500 00	
	off Mr. Hewett's commission	25 00	
			475 00
Feb. 3.	dividends on Union bank Georgetown stock		240 60
Mar. 23.	cash from M. L. Walker in part his debt		2,350 00
May	Potomac bank dividend		14 00

May	31.	By cash of G. C. Washington, commissioner, under a decree for sale of city lots - - -	$80 56
Aug.		cash of M. L. Walker - - - -	1,460 00
		cash deposited in Farmer's bank Fredericksburg by Duke, in part of ditto - - -	1,850 00
	12.	cash of Dr. Schooly, in full of decree against him, principal and interest - - -	291 67
		five semi annual dividends on nine shares of Alexandria bank stock, ending July 1826, at $36 -	180 00
		balance of Alexander's debt, principal and interest, deducting Mr. Hewitt's commission, supposed to be - - - - -	546 99
*		two dividends on Union bank stock for 1826 -	96 25
			$24,183 59
By balance for distribution - - - - - -			8,897 70

Errors excepted.

BUSHROD WASHINGTON, *Executor.*

* Since the account was stated, the commissioner has ascertained that one dividend should have been credited to the estate, that is half of $96 25, so that the executor must, in his next account, debit the estate with that sum.

A. MOORE, *M. C.*

Andrew Parks in account with the executors of George Washington.

1824			
June	1.	To balance due this day, as per commissioner's report to the circuit court, District of Columbia -	$331 13
		By sale of lot No. 5, square 667, (under a decree of court,) in Washington city - - -	148 62
		By interest on the same from 6th November, 1817, to 1st June, 1824, is 6 years, 6 months, 25 days	58 96
			$207 58
		By balance due the executors - - -	123 55
			$331 13
		To balance due the executors - - -	$123 55

Thomas Peter in account with the executors of George Washington.

1824			
June	1.	To balance, per commissioner Moore's report -	$1,435 01
		By sales of lots Nos. 12 and 13, square 667, in Washington - - - - -	338 16
		By interest on ditto from 6th November, 1817, to 1st June, 1824, (6 years, 6 months, 25 days) -	135 11
			$473 27
		Balance due the executors - - -	961 74
			$1,435 01
		To balance due the executors - - -	$961 74

George S. Washington in account with the executors of George Washington.

1824.				
June 1.	To balance, per commissioners			$5,768 72
	By sales of lot No. 14, square No. 667	$265 68		
	Interest on ditto from 6th November, 1817, to 1st June, 1824, is 6 years, 6 months, 25 days	106 20		
				$371 88
	Balance due the executors June 1, 1824			$5,396 84

The estate of General George Washington, deceased, in account with Bushrod Washington, executor.

1819.	Dr.		
Dec. 31,	To balance due to this day, as per account reported to Fairfax court, September, 1820, by Alexander Moore, commissioner appointed by that court		$6,254 34
1820.			
Jan. 20,	Cloth, linen, hose and shoes for the 6 free negroes		26 76
July 25,	Fee paid Thomas W. Hewitt, suit vs. Lee & Co.		15 00
27,	Paid Sheehy for meat for the free negroes		10 83
Aug. 11,	Dennis Johnson, for holding possession of the Difficult run land		11 00
Sept. 23,	William Herbert on account of William Robinson's claim against the estate		600 00
	Paid for summer clothes bought August 12th for free negroes		7 40
29,	Paid fee to Frederick Stone		20 00
30,	Commissioner Moore, for settling the executor's accounts		73 50
Dec.	Paid for winter clothes for the 6 free negroes		27 00
	Rent of house and fuel for same		17 50
31,	Winter clothes for London $4 50, provisions for same $12 50		17 00
	Provisions for the 6 free men		45 00
1821.			
Feb. 28,	Coffins for 6 of the pensioned negroes, omitted in former accounts		24 00
July 17,	Paid Moss fee bills for 1821		12 16
25,	Paid for 4 barrels of fish for free negroes		16 00
	Paid for 30 yards linen for clothes for ditto		4 80
Aug. 14,	Paid clerk of Fredericksburg chancery court fees vs. Lee and Alexander		15 09
	Paid for sending McClean's deed of trust to be recorded		2 50
Oct. 2,	Paid fee bills to William Moss for 1820		12 24
Dec. 19,	Paid for 60 lbs. of pork for free negroes		3 60
	Paid for winter outside clothes for free negroes		13 75
	Linen, shoes and hose for ditto		10 50
	Paid for 148 lbs. of pork from I. George for ditto		9 17
	Paid commissioner for ditto for this year		37 50

Dec. 19,	To paid for pork for old Judy in town - -		$3 40
	Paid for rent and fuel for those at Mount Vernon		17 50
1822.			
June 3,	Paid fee bills vs. Lee, &c., $1 74, ditto paid Binns $1 76 - - - - -		3 50
July 1,	Paid for summer clothes for free negroes - -		4 32
11,	Paid fee bill vs. Lee, to Ford - - -		1 54
Dec.	Paid for hose, cloth, and linen, $19 05, 300 lbs. pork $18, rent and fuel $17 50, for free negroes		54 55
	Paid for meal this year $45, shoes $5, for ditto -		50 00
1823.			
Jan. 8,	Paid Fayette Ball, administrator of Mrs. Peyton, on account of her share of the estate - -		600 00
Feb. 28,	Paid Thomas Peter, trustee of E. P. Custis, do. do.		1,500 00
Mar. 19,	William M. Craig, for the sheriff of Prince William county, balance of his commission due on the execution vs. Alexander, and a fee for serving notice on Alexander - - -		257 34
	Paid Mrs. Williams' fee in Alexander's injunction		40 00
April 8,	Paid master commissioner Barton's fee, report vs. Alexander - - - - -		41 44
26,	Paid N. J. Bell & Co. for $3,000 6 per cent. stock		3,060 13
May 12,	S. Snowden for printing circulars - -		3 00
	Paid for postages since last settlement - -		25 00
	Paid for linen for summer clothes for free negroes		2 50
	Paid for 15 barrels corn for ditto for this year -		45 00
Aug. 30,	Paid Mr. Wickham fee ads. Alexander's appeal -		40 00
Sept. 12,	Paid R. I. Taylor fee in the amicable suit -		30 00
18,	Paid J. Halley, deputy sheriff, fee bills in Alexander's and Hamiltree's suits - - -		7 12
Dec.	Paid for winter clothes for free negroes - -		21 41
	Paid for rent and fuel for ditto - - -		17 50
	Paid for meal for ditto - - -		18 00
1824.			
Jan. 31,	Paid for three shares in the Potomac Bank -		243 00
Feb. 9,	Paid for 5 shares Alexandria Bank stock - -		700 00
23,	Paid for 4 ditto ditto - - -		560 00
Mar. 25,	Paid fees to W. Jones, Thos. Swann, R. I. Taylor		120 00
May 15,	Paid S. Snowden for printing circulars - -		2 50
Dec.	Paid for linen, summer and winter, for the 5 free negroes - - - - -		2 33
	Paid for meal for ditto for the year $25, outside winter clothes $7 50 - - - -		32 50
	Paid for shoes for do. $5, stockings for do. $3 10		8 10
	Paid for rent and fuel for the 2 at Mount Vernon		17 50
	Paid for meal for ditto - -		12 00
	Cash paid fee bills, omitted September 20th, 1824		33 14
31,	5 per cent. commission on $12,578 76 received - - - $628 93		844 37
	2½ do. do. $8,617 paid 215 44		
			15,716 33
	Balance due the executor - - -		$3,137 57
1825.			
Feb. 5,	To balance due B. Washington, executor, per contra		$2,501 83

		Cr.	
1820.			
May	By dividend on Potomac Bank stock - - -		$10 00
July	Nett proceeds of two draughts of Dismal Swamp company for dividends declared this month -		873 94
	October, 1818, and last April dividends of Union Bank of Georgetown - - - -		105 87
Oct. 17,	Do. do. this month - - - -		48 12
Nov.	Dividend on Potomac Bank stock - - -		10 00
Dec. 18,	Costs received from Mr. Alexander - -		32 47
1821.			
May	Dividend on Potomac Bank stock - - -		10 00
	April dividend Union Bank Georgetown - -		48 12
Nov.	Dividend Potomac Bank stock - - -		12 00
	Do. Union Bank of Georgetown - -		48 12
1822.			
Jan. 1,	Do. on the Dismal Swamp stock - -		776 86
May 22,	Do. on Potomac Bank stock - - -		10 00
	Cash of Gerard Alexander - - -		4,500 00
Nov.	Dividend on Potomac Bank stock - - -		10 00
1823.			
Jan. 14,	Cash of A. McClean - - - - -		500 00
Mar. 18,	Cash of Thomas Williamson, amount of sales of $840 North Carolina notes, the October dividend of the Dismal Swamp Company - -		785 40
May 21,	Cash of A. Powell for commission retained by him on sale of Rockhall, above what was allowed him, to be credited to Alexander and Lee -		207 74
	Dividend on Potomac Bank stock - -		10 00
Oct.	Dividends 1822, 1823, Union Bank of Georgetown		192 48
Dec. 2,	Cash from M. L. Walker on account of Alexander's debt - - - - - -		1,500 00
1824.			
Jan. 16,	Dividend declared in October last by Dismal Swamp Company - - - - -		993 96
	Do Potomac Bank stock, November, 1823		10 00
May 10,	Do. do. - - -		17 50
Nov. 23,	Do do. - - -		17 50
1825.			
Jan. 1,	Interest received on $3,000, 6½ per cent. stock, from July, 1823, to this date - - -		315 00
	Dividend declared last autumn by the Dismal Swamp Company after sale of North Carolina notes -		1,533 68
	Balance due the executor - - - -		3,137 67
			$15,716 33
1825.			
Feb. 5,	By Alexander & Lee, for sales of Mechanics and Potomac Bank stocks, under the decree of the Fredericksburg county court, $621 12, dividends on Mechanics stock, $3 08 - - -		624 20

1825.
Feb. 5, By January dividend on Alexandria Bank stock $48 00

Off 3 per cent. commission 33 46

Balance due the executor this day 2,502 83

$3,187 57

The estate of General George Washington in account with Lawrence Lewis, executor.

Dr.

1825.
May 9, William Robinson 450 00
Charles Binns, clerk's notice 2 50
Feb. 10, Fayette Hall, admr. of Mrs. Peyton 1,184 00
Clerk's notice 4 10
Postage of letters to 1st Sept. 1828 14 90
Meal furnished five negroes from 1st January, 1818, to 31st August, 1819, 64 bushels 32 00
Do. for old Molly from 31st Aug. 1819, to 1st Jan. 1825, 62 bushels 31 00
furnished two old free negroes with house and wood from 31st Aug. 1818, to 1st Jan. 1825 100 00
1826.
Jan. 1, 3 per cent. commission on $1,500 received 45 00
2½ do. do. 1,769 92 paid 44 29

$15,778 69

Cr.

1820.
Dec. 26, By cash of Matthew Ransan, in part of amount payment of Rock Hall 1,000 00
1821.
Dec. 18, Do. do. do. do. 500 00
19, Do. do. do. do. 200 00
1822.
Feb. 19, Do. do. do. do. 1,100 00
Mar. 22, Do. do. do. do. 1,200 00
1825.
Jan. 1, By balance due the executor 10,872 69

$15,778 69

To balance due the executor $10,872 69

1825.			
Feb. 5,	By January dividend on Alexandria Bank stock -		$45 00
			669 20
	Off 5 per cent. commission - -		33 46
			635 74
	Balance due the executor this day - - -		2,501 83
			$3,137 57

The estate of General George Washington in account with Lawrence Lewis, executor.

1820.	Dr.		
Jan.	To balance due, as per account reported to Fairfax court, September, 1820 - -		$13,714 23
Feb. 12,	Cash paid Fred. Stone, attorney at law - -		20 00
1822.			
May 9,	William Robinson - - -		400 00
	Charles Binns, clerk's notes - -		3 52
Feb. 19,	Fayette Ball, adm'r of Mrs. Peyton -		1,164 00
	Clerk's notes - - - -		4 10
	Postages of letters to 1st Sept. 1823 -		14 20
	Meal furnished free negroes from 1st January, 1819, to 31st August, 1819, 64 bushels - - - -		32 00
	Do. for old Molly from 31st Aug. 1819, to 1st Jan. 1825, 63 bushels -		31 50
	furnished two old free negroes with house and wood from 31st Aug. 1819,		
1825.	to 1st Jan. 1825 - - -		100 00
Jan. 1,	5 per cent. commission on $4,900 received -		245 00
	2½ do do 1,769 23 paid -		44 23
			$15,772 69

1820.	Cr.		
Dec. 25,	By cash of Matthew Ranson, in part of his third payment of Rock Hall - - - -		1,000 00
1821.			
Dec. 18,	Do. do. do. do.		800 00
19,	Do. do. do. do.		200 00
1822.			
Feb. 19,	Do. do. do. do.		1,100 00
Mar. 22,	Do. do. do. do.		1,800 00
1825.			
Jan. 1,	By balance due the executor - - -		10,872 69
			$15,772 69
	To balance due the executor - - -		$10,872 69

PAPER A.

***SALES** of a portion of General George Washington's estate, with the date of the sales, names of the purchasers, terms of sales, and amount due each legatee of a full share.*

PURCHASERS.	WHEN SOLD. July 21, 1802. Payable Jan. 21, 1803.	Ap. 10, 1803. Cash sale.	Ap. 14, 1803. Cash sale.	June 7, 1803. Cash sale.	Jan. 3, 1803. Payable July 3, 1803.	June 5, 1805. Cash sale.		
Bushrod Washington, (Geo. Lewis's purchases) -	$3,410 10	-	-	380 00	1,910 35	-	$ 5,708 45	
Alexander Spotswood, -	368 00	-	-	8,820 83	1,522 00	-	10,710 83	
Howell Lewis, - -	135 75	-	-	-	-	-	135 75	
Lawrence Lewis, - -	536 25	-	-	8,968 45	1,325 90	-	10,830 60	
George W. P. Custis, -	1,227 85	-	-	-	2,842 81	-	4,070 66	
Robert Lewis, - -	45 00	-	7,236 66	6,112 25	-	-	13,393 91	
William A. Washington, -	239 00	-	-	-	-	-	239 00	
William Robinson, -	324 00	-	-	-	-	-	324 00	
Samuel Washington, -	607 00	-	4,999 06	-	-	-	5,606 06	
Thomas Peter, - -	32 50	5,475 45	-	686 54	189 75	-	6,384 24	
Charles Carter, - -	797 50	-	-	-	-	-	797 50	
George S. Washington, -	60 00	-	-	1,477 68	-	5,000 00	6,477 68	This should be $7,782 23, $1,244 55 being omitted, and is charged to George S. Washington by the executors. (See his account.)
Fielding Lewis, - -	-	-	-	-	133 00	-	133 00	
Nicholas Fitzhugh, -	-	-	-	3,680 34	-	-	3,680 35	
Frances Peyton, - -	-	-	-	1,167 75	-	-	1,167 75	
Lawrence Washington, -	-	-	-	5,294 32	-	-	5,294 32	
Burdett Ashton, - -	-	-	-	9,410 20	-	-	9,410 20	
Andrew Parks, - -	-	-	-	9,716 91	-	-	9,716 91	
Thomas L. Lee, - -	-	-	-	15,125 00	-	-	15,125 00	
John Thornton, - -	-	-	-	-	-	9,920 00	9,920 00	
	$7,714 95	5,475 45	12,235 72	70,840 28	7,923 81	14,920 00	119,110 21	Total amount of sales upon which this distribution is founded.
Twelve-thirds is, -	$335 43	238 06	531 98	3,080 01	344 51	648 62	5,178 68	A full share of each residuary legatee.

The acting executors have also paid the legatees the following moneys:

For Shepherd's first payment for the Difficult run lands,	$2,222 22
Five Alexandria Bank shares sold,	1,198 00
Nine Columbia Bank shares sold,	360 00
United States stock sold,	3,750 19
Interest on Columbia stock,	102 00
Interest on Potomac shares,	58 41
	$7,690 82

1/23 Twelve-thirds is 334 35*

They have also transferred the legatees twenty-three Potomac Company shares, and one hundred and sixty-one Columbia Bank shares. Vide the general account of the executors, settled by Comm'r Moore, July, 1811.

* See the private accounts of the legatees with the executors, also the executorial account settled by Comm'r Moore at Fairfax court, July, 1811.

45

22.

No. 1.

William Augustine Washington, for himself and as guardian of his George

Dr. Interest to 1st

			Principal.	Time.	Interest.
1802.					
Dec. 19,	To check on Bank of Alex'a,	$326 10			
1803.					
Mar. 26,	Do. do. do.	161 01			
	Paid you 19th July, 1802, as per general receipt of legatees, - -	52 08			
	Paid you, - -	34 72			
	Do. - - -	30 08			
1802.			603 99		
July 21,	Your purchases up stairs, without in.		164 00		
1803.					
Jan. 21,	Your purchases due this day, including bond to Thomas Peter, assignee to the executors, - -		239 00	y. m. d. 21 4 10	306 26
June 5,	So much of Andrew Park's debt assigned you, - - -		4,537 86	20 11 24	10,072 00
June 7,	Rust's and Hicks's bonds, - -		3,305 00		
	Order on Robert Lewis, - -		157 14		
1824.					
June 1,	Balance due W. A. Washington, -		368 58	-	167 53
			$9,375 57	-	$10,545 79

23.

No. 1.

sons George and Bushrod, in account with the acting executors of Gen. Washington.

June, 1824. Cr.

			Principal.	Time.	Interest.
1802.					
Dec. 19,	By your share of U. S. stock,	$163 05			
1803.					
Mar. 26,	Your sons' two-thirds do.	108 70			
	W. Robinson's order in your favor for his wife's one-third,	54 35			
	Your share of the Alexandria Bank stock, sold,	52 08			
	Your sons' two-thirds do.	34 72			
	Your share of first payment of Difficult run lands,	96 61			
	Your sons' two-thirds do.	64 40			
	Your and your sons' two-third shares of the eight Columbia Bank stock shares, interest on do. and dividends on Potomac shares,	30 08			
1805.			603 99		
June 5,	By your full share, being one 23d of $119,110 21, being the amount of sales, as shown by paper A, referred to in the commr's report,	5,178 68			
	Deduct one-third, assigned to W. Robinson,	1,726 22			
		3,452 46			
	By your sons' two-thirds of a share of do.,	3,452 46			
1807.			6,904 92	*y. m. d.*	
Feb. 7,	By W. Robinson's order,		1,866 66	17 3 23	1,939 15
	By interest on $447 24, proportion of sales due 21st January, 1803,		-	21 4 10	573 21
	Do. $459 35, do. 3d July, 1803,		-	20 10 28	576 46
	Do. 317 41, do. 10th Ap. 1803,		-	21 1 21	402 11
	Do. 709 30, do. 14th Ap. 1803,		-	21 1 17	899 03
	Do. 4,106 68, do. 7th June, 1803,		-	20 11 24	5,170 30
	Do. 864 92, do. 5th June, 1805,		-	18 11 26	985 53
	$6,904,92				
			$9,375 57	-	$10,345 79
1824.					
July 1,	By balance of principal,	$368 58			
	By balance of interest,	167 53			
	Due W. A. W.,		$536 11		

Nos. 2 and 3.

Thomas Hammond in account with the acting

Dr. Interest to 1st

		Principal.	Time.	Interest.
1802.	To cash overpaid you, (vide your acc't) -	$1 69		
	Purchases without interest, - -	116 00		
1803.				
Jan. 21,	So much credited Fielding Lewis, per your agreement, - - -	66 50	y. m. d. 21 4 10	55 19
1810.				
Oct. 15,	Amount of sales under Ashton's mortgage, - - - -	4,006 24	13 7 15	3,274 90
		85 19		
1824.		3,274 90		
June 1,	Balance due Thomas Hammond, -	4,084 30		
		$11,634 82		

Thomas Hammond in account with the acting

	To $1 69, $116, $66 50, and $85 19, as charged in the above statement, -	$269 38		
1808.				
Aug. 22,	Balance due on the mortgage of Burdett Ashton, as shown by commissioner Keith, - - -	6,865 95	15 9 9	$5,741 40
		5,741 40		
		12,876 73		
1824.				
June 1,	To balance due the executor on this statement, - - - -	$1,241 91		

24.

Nos. 2 and 3.

executors of General George Washington.

June, 1824. Cr.

1824. June 1,	By your one 23d of $119,110 21, in right of your wife, -	$5,178 68
	Interest thereon, as shown in account No. 1, - -	6,456 14
		$11,634 82
"	By balance due Thomas Hammond, according to this statement, - - - - - - - -	$4,084 30

executors of General George Washington.

1824. June 1,	By credit as above, - - - - - - -	$11,634 82
	Balance, - - - - - - - -	1,241 91
		$12,876 73

No. 2.

William Robinson in account with the acting

DR. Interest to 1st

			Principal.	Time.			Interest.
1802.							
Dec. 19,	To cash paid your order favor W. A. Washington,		$54 35				
	Check,		32 20				
	Paid you 19th July,		17 36				
	Paid you by Lawrence Lewis,		16 20				
July 21,	Amount of your purchases at the private sale, without interest,		60 00	*y.*	*m.*	*d.*	
Jan. 21, 1807.	Do. due this day,		324 00	21	4	10	415 26
Feb. 7,	Your order favor W. A. Washington,		1,866 66	17	3	23	1,939 15
April 28, 1811.	Do. Lawrence Lewis,		100 00	17	1	3	102 55
Aug. 11, 1812.	John Stith's bond, principal and interest,		228 77	12	9	20	175 94
May 25, 1820.	Check on the Bank of Alexandria,		600 00	12	0	6	432 60
Sept. 23, 1824.	Order in favor Wm. Herbert,		600 00	3	8	8	132 80
June 1,	To balance of interest due W. Robinson,		-		-		1,105 64
			$3,899 54		-		$4,303 94
1822.							
May 9,	To cash paid by Lawrence Lewis,	$400 00					
	Interest from May 9th, 1822, to June, 1824, 1 year, 11 months, 22 days,	49 47					
			449 47				
	Balance due Wm. Robinson,		328 02				
			$777 49				

Executors of General George Washington

	Principal.	Time.	Interest.

25.

No. 2.

executors of General George Washington

June, 1824. Cr.

		Principal.	Time.	Interest.
1802.				
Dec. 19,	By your third of a share of the U. S. stock, in right of your wife, - -	54 35		
	third of a share of Shepherd's first payment, - - - -	32 20		
	third of a share of Alexandria Bank stock sold, - - - -	17 36		
	Two thirds of do. of Columbia Bank stock, interest thereon, and dividend of Potomac shares, - - -	15 04		
1805.				
June 7,	Your two-thirds of a share, $5,178 68, being one 23d of $119,110 21, the amount of sales as shewn by paper A, referred to in the commissioner's report, two-thirds is - - -	3,452 44		
	Interest on $223 62, proportion of sales,		y. m. d.	
	due 21st of January, 1803, - -	-	21 4 10	286 60
	Do. 158 71, due 10th Aug. 1803,	-	21 1 21	201 69
	Do. 354 67, 14th Aug. 1803,	-	21 1 17	449 51
	Do. 2,053 34, 7th June, 1803,	-	20 11 26	2,585 15
	Do. 229 67, 3d July, 1803,	-	20 10 28	288 23
	Do. 432 46, 5th June, 1805,	-	18 11 26	492 76
1824.				
June 1,	Balance of principal due the executors,	328 15		
		$3,899 54	-	$4,303 94
1824.				
June 1,	By balance of interest due Wm. Robinson, -	1,105 64		
	Deduct principal due the executors, -	328 15		
	Balance due W. Robinson, - -	777 49		
	By balance due W. Robinson, - -	$328 02		

No. 3.

Alexander Spotswood in account with the acting

DR. Interest to 1st

			Principal.	Time.	Interest.
1802.					
Dec.	To check on Bank of Alex'a, -	$163 05			
	Do. do. -	96 61			
	Paid you July 19, 1802, -	52 08			
	Do. by Law. Lewis, -	26 30			
1802.			336 04		
July 21,	Your purchases this day, without int.		4 00		
1803.					
Jan. 21,	Do. do. July 21st, 1802, due this day, - - - -		368 00	*y. m. d.* 21 4 10	471 65
June 7,	Your purchases this day, - -		8,820 83	20 11 24	11,205 63
July 3,	Do. do. due this day, -		1,522 00	20 10 28	1,909 59
1824.					
June 1,	Balance of principal due A. Spotswood, - - - - -		277 67		
			$11,328 54		$13,586 87
June 1,	To balance of interest due the executors, - -	1,306 50			
	Deduct principal due A. Spotswood, - - -	277 67			
	Due the executors, - - -		$1,028 83		

No. 3.

executors of General George Washington.

June, 1824. Cr.

		Principal.	Time.	Interest.
1802.				
Dec.	By your share of U.S. stock sold, $163 05			
	Your share of Shepherd's first payment of Difficult run land, - - - 96 61			
	Your share of Alexandria Bank stock sold, - - 52 08			
	Your share of the Columbia Bank stock, the interest thereon, and of dividends of Potomac stock, - 32 61			
		334 35		
1805.				
June 5,	Your full share, being one 23d of $119,110 21, the amount of sales as shown by paper A, referred to in the commissioner's report, -	5,178 68		
	Interest on $335 43, your proportion of sales, due January 21, 1803, -	-	y. m. d. 21 4 10	429 81
	Do. 238 06, due April 10, 1803,	-	21 1 21	301 97
	Do. 531 98, April 14, 1803,	-	21 1 17	674 38
	Do. 3,080 00, June 7, 1803,	-	20 11 24	3,877 71
	Do. 344 51, July 3, 1803,	-	20 10 28	432 85
	Do. 648 69, June 5, 1805,	-	18 11 26	739 42
	$5,178 68			
1807.				
Sep. 22,	By cash paid the heirs of Fielding Lewis,	5,815 51	16 8 9	5,824 23
	Balance of interest due the executors,	-	-	1,306 50
		$11,328 54		$13,586 87

No. 4.

DR *Colonel John Thornton in account with the*

Interest to 1st

			Principal.	Time.	Interest.
1802.					
July 19,	To cash per general receipt of legatees, - - -	$52 08			
Dec. 6,	Cash paid order favor of R. Patton to James Patton, -	163 05			
	Do. do. do.	121 91			
			336 04	*y. m. d.*	
1805.					
June 5,	Amount of your purchase this day, -		9,920 00	18 11 26	11,302 18
			$10,256 04	-	$11,302 18
1824.					
June 1,	To balance of principal, -	242 79			
	Do. interest, -	870 29			
			1,113 08		

No. 4.

executors of General George Washington. CR.

June, 1824.

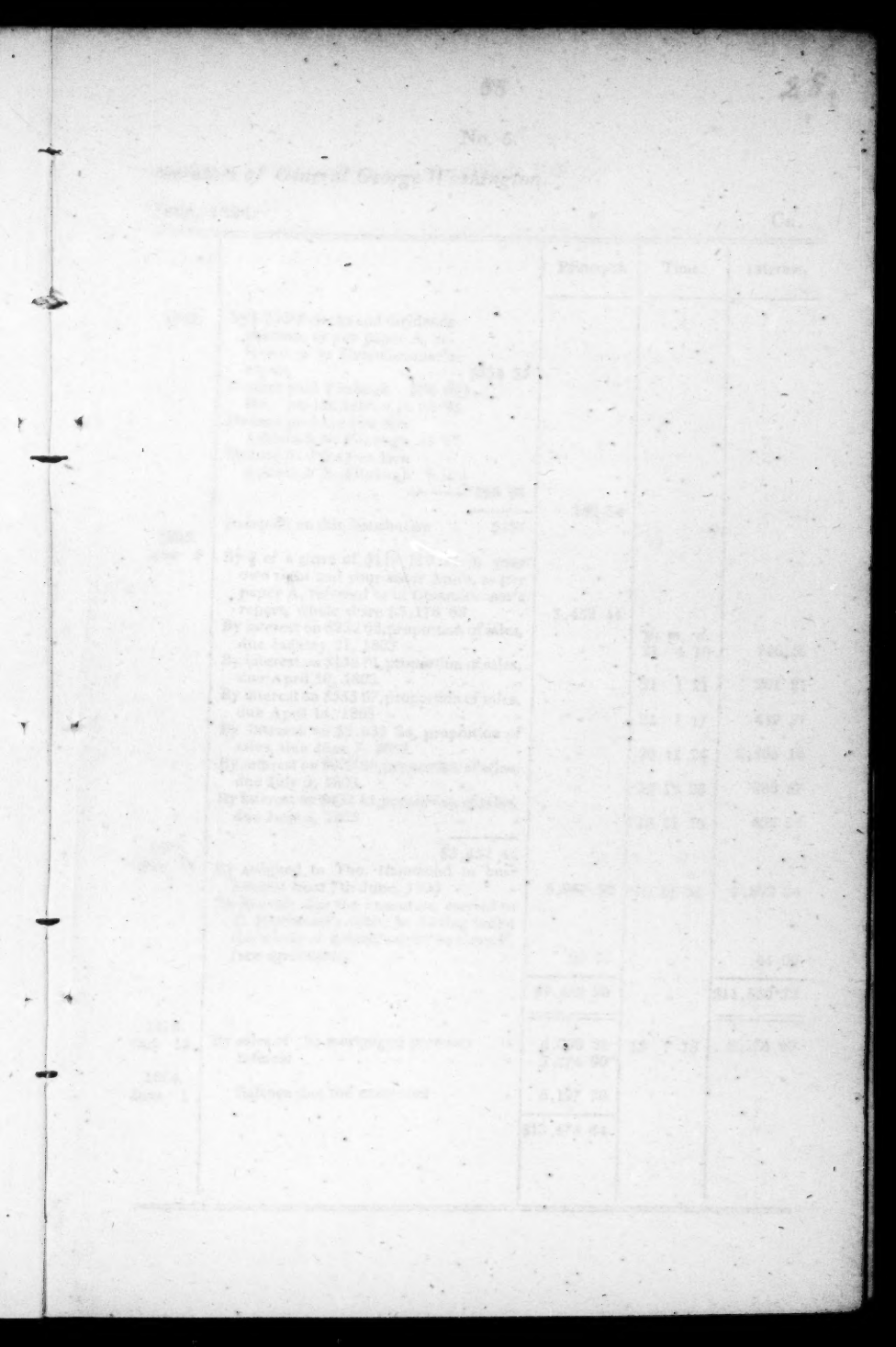
		Principal.	Time.	Interest.
1802.				
Dec. 6,	By your one 23d of $1,690 82 of stock sold, and dividends thereon, as per paper A, referred to in commissioner's report, - - -	$334 35		
1805.				
Jan. 5,	Your full share, being one 23d of $119,110 21, the amount of sales as shown by paper A, referred to in the commissioner's report, - -	5,178 68		
	Interest on $335 43, your proportion of the above sales, due January 21, 1803, - - - -	-	*y. m. d.* 21 4 10	429 81
	Do. 238 06, due April 10, 1803,	-	21 3 21	301 97
	Do. 531 98, April 14, 1803,	-	21 1 17	674 38
	Do. 3,080 01, June 7, 1803,	-	20 11 24	3,877 71
	Do. 344 51, July 3, 1803,	-	20 10 28	432 85
	Do. 648 69, June 5, 1805,	-	18 11 26	739 42
	$5,178 68			
1809.				
Sept. 12,	The executor's order favor of Mrs. Custis's trustees, - - -	4,500 22	14 8 19	3,975 75
1824.				
June 1,	Balance due the executor, - -	242 79	-	870 29
		$10,256 04	-	$11,302 18

No. 5.

Burdett Ashton, jr., in account with the acting

DR. Interest to 1st

			Principal.	Time.	Interest.
1802.					
Dec. 6	To cash per receipt -	$40 76			
1803.	Do do -	40 76			
March 5	Do do -	48 30			
" "	Do 19th July, 1802 -	26 04			
	Do paid you by L. Lewis -	12 15			
			168 01		
1803.				*y. m. d.*	
June 7	To your purchases, due this day -		9,410 20	20 11 26	11,850 32
	To purchases at the private sale, not to bear interest - - -		20 00		
			$9,430 20	-	$11,850 32
1803.					
June 7	To balance due on your mortgage -		5,957 50		
	To your purchase at the private sale -		20 00		
	Interest - - - - -		7,502 34		
			$13,478 84		
	To balance due the executors, provided Mrs. Hammond recovers on statement made by the Commissioner - -		$6,197 70		



No. 5.

executors of General George Washington.

June, 1824. Cr.

		Principal.	Time.	Interest.
1802.	By 1-23d of stocks and dividends thereon, as per paper A, referred to in Commissioner's report - - - $334 33			
	Deduct paid Fitzhugh $84 00½			
	Do paid B. Ashton, jr. 64 91			
	Deduct paid the two Mrs. Ashtons & N. Fitzhugh 13 02			
	Deduct paid the two Mrs. Ashtons & N. Fitzhugh 6 07½			
	168 01			
		166 34		
	Overpaid on this distribution - $167			
1805. June 5	By ⅔ of a share of $119,110 21 in your own right and your sister Ann's, as per paper A, referred to in Commissioner's report, whole share $5,178 68 -	3,452 44		
	By interest on $223 62, proportion of sales, due January 21, 1803 - - -	-	y. m. d. 21 4 10	286 60
	By interest on $158 71, proportion of sales, due April 10, 1803 - - -	-	21 1 21	201 21
	By interest on $555 67, proportion of sales, due April 14, 1803 - - -	-	21 1 17	449 51
	By interest on $2,053 34, proportion of sales, due June 7, 1803 - -	-	20 11 24	2,585 14
	By interest on $229 67, proportion of sales, due July 3, 1803 - - -	-	20 10 28	288 57
	By interest on $432 45, proportion of sales, due June 5, 1805 - - -	-	18 11 26	492 95
	$3,452 44			
1806. Mar. 11	By assigned to Tho. Hammond to bear interest from 7th June, 1803 - -	5,957 50	20 11 24	7,502 34
	By balance due the executors, carried to T. Hammond's debit, he having taken the whole of Ashton's debt on himself, (see agreement) - - -	20 26	-	44 00
		$9,430 20	-	$11,850 32
1810. Oct. 15	By sales of the mortgaged premises -	4,006 24	13 7 15	$3274 90
	Interest - - - -	3,274 90		
1824. June 1	Balance due the executors - -	6,197 70		
		$13,478 84		

No. 6.

Nicholas Fitzhugh in account with the acting

DR. Interest to 1st

			Principal.	Time.	Interest.
1802.					
Dec. 29	To cash - - - -	$40 76			
1803.					
Mar. 26	check delivered L. Lewis for you	24 15			
	paid you 19th July, 1802 -	13 02			
	by L. Lewis - -	6 07½			
			84 00½		
1802.					
July 21	your purchases at private sale without interest - - - -		7 00		
1803.	overpaid on the above distribution -		41½	*y. m. d.*	
June 7	your purchases this day - -		3,680 35	20 11 24	4,633 67
			$3,687 76	-	$4,433 67
	To balance principal due the executors	7 53			
	interest due - -	20 64			
	Due the executors - - - -		$28 17		

No. 6.

executors of General George Washington.

June, 1824. Cr.

		Principal.	Time.	Interest.
1802.	By your $\frac{1}{3}$ of $334 35, being a full share of $7,690 83 of stock sold, and dividends, as per paper A, referred to in Commr's report - $83 59			
	Overpaid in this distribution - 41½	$84 00½		
1805.				
June 5	By $\frac{1}{3}$ of $5,178 68, being a full share of $119,110 21, as per paper A, referred to in Commissioner's report - -	1,726 23		
Dec. 19	By order of the executors on you, in favor of Dr. Stuart, to bear interest from 6th June, 1803 - - - - -	1,954 00	*y. m. d.* 20 11 24	2,461 09
	By interest on $111 81, your proportion of sales due January 21, 1803 - -	-	21 4 10	143 30
	Do do 79 35, due April 10, 1803	-	21 1 21	100 66
	Do do 177 33, " " 14, "	-	21 1 17	224 76
	Do do 1,026 67, " June 7, "	-	20 11 26	1,292 57
	Do do 114 84, " July 3, "	-	20 10 28	144 28
	Do do 216 23, " June 5, 1805	-	18 11 26	246 47
	$1,726 23, ⅓ interest on sales, $2,152 04½			
1824.				
June 1	By balance due executors - - -	7 53	-	20 64
		$3,687 76	-	$4,433 67

No. 7.

George Steptoe Washington in account with the

Dr. Interest to 1st

			Principal.	Time.	Interest.
1802.					
Dec. 6	To cash retained by you, your share of U. States stock sold - - -		$163 05		
	To cash per check - - -		96 61		
	To cash paid you 19th July, 1802 - -		52 08		
May 22	To cash received by you for interest of U. S. stock -	$258 06			
	Deduct paid Mrs. Washington's executors her proportion of the same, as per your statement -	166 04			
			92 02		
	To paid you by Law. Lewis - -		24 30		
July 21	To purchases at the private sale without interest - - - - -		355 00		
	To purchases at the public sale - -		60 00		
1803.					
June 7	To lot No. 7 in Alexandria, 24 ft. 4 in. at $51 25 - -	$1,244 55			
	To lot No. 8 in Alexandria, 24 ft. at $50 25 - -	1,206 00			
	To lot No. 14, square 667, in Washington, containing 3,321 square feet, at 8 cents -	265 68			
			2,716 23	*y. m. d.* 20 11 24	3,419 89
1805.					
June 5	To the Mohawk lands, 1,000 acres at $5 -		5,000 00	18 11 26	5,696 66
			$8,559 29	-	$9,238 13
1824.					
June 1	To balance of principal -	$2,986 26			
	interest -	2,781 99			
	Due the executors - - -		$5,768 25		

No. 7.

acting executors of General George Washington

June, 1804.

Cr.

		Principal	Time	Interest
1802.				
Dec. 6	By your share of the U. S. stock sold	$150 65		
	By your share of Stoddert's first payment of the bills on hand	95 57		
	By your share of the bank stock sold	320 68		
	By your share of the dividends, bank stock, and of the deposit thereon, and of dividends on private stock	22 61		
July 21	By your share of the share of George W. P. Custis	88 90		
1803.				
June 5	By your bill here, being $3334 at $1.79 1/2 per $1, the amount of sales, as stated in paper A, referred to in the Commissioner's report	2,170 85		
	By interest on $535 43, your proportion of sales, due January 21, 1803		29	32 16
	9a do $228 06, due April 15, 1800		39	53 37
	9b do 571 98, " " 14, "		39	133 99
	9c do 2,060 91, " June 7, "		36	444 75
	9d do 344 51, " July 5, "		36	74 36
	9e do 548 69, " June 5, 1803		31	41 16
	$3,173 99			
1804.				
June 4	By balance due the executors	2,906 21		2,781 90
		$5,180 14		$3,790 13

No. 7.

acting executors of General George Washington.

June, 1824. Cr.

		Principal.	Time.	Interest.
1802.				
Dec. 6	By your share of the U. S. stock sold -	$163 05		
	By your share of Shepherd's first payment of the Difficult Run lands - -	96 61		
	By your share of Alexandria bank stock sold	520 08		
	By your share of the Columbia bank stock sold, the interest thereon, and of dividends of Potomac stock - -	22 61		
July 21	By this sum to the debit of George W. P. Custis - - - - -	60 00		
1805.				
June 5	By your full share, being 1-23d of $119,110 21, the amount of sales, as shewn by paper A, referred to in the Commis'r's report	5,178 68		
	By interest on $335 43, your proportion of sales, due January 21, 1803 - -	-	y. m. d. 21 4 10	429 81
	Do do $238 06, due April 10, 1803	-	21 1 21	301 97
	Do do 531 98, " " 14, "	-	21 1 17	674 38
	Do do 3,080 01, " June 7, "	-	20 11 24	3,877 71
	Do do 344 51, " July 3, "	-	20 10 28	432 85
	Do do 648 69, " June 5, 1805	-	11 11 26	739 42
	5,178 68			
1824.				
June 1	By balance due the executors - -	2,986 26	-	2,781 99
		$8,559 29	-	$9,238 13

No. 9.

Andrew Parks in account with the

DR. Interest to 1st

			Principal.	Time.	Interest.
1802.	To paid you by G. S Washington,	$163 05			
	Lawrence Lewis,	96 61			
	19th July, 1802,	52 08			
	by L. Lewis,	24 30			
			$336 04		
	To overpaid on the above distribution -		1 69		
July 21,	To your purchases, without interest -		264 50		
1803.				*y. m. d.*	
Jan. 7,	To your purchases this day - -		9,716 91	20 11 24	12,233 91
			$9,983 10		$12,233 91
1824.					
June 1,	To balance of principal - -	$266 56			
	interest - -	64 57			
	Due the executors - - -		$331 13		

32.

No. 9.

acting executors of General George Washington.

June, 1829. Cr.

		Principal.	Time.	Interest.
1802.				
Decem.	By your 1-23d of $7,690 82 of stocks sold and dividends thereon, as per paper A, - - - - -	$334 35		
	By overpaid on this distribution - -	1 69		
		336 04		
1805.				
June 5,	By your full share in right of your wife of $119,110 21, being the amount of sales, as shown by paper A, referred to in the commissioner's report - -	5,178 68		
1807.			*y. m. d.*	
May 22,	By this sum assigned to Wm. A. Washington, to bear interest from 5 June, 1803	4,537 86	20 11 24	5,713 20
	By interest on $335 43, your proportion of sales, due Jan. 21, 1803 - -	-	21 4 10	429 81
	Do. 238 06, due April 10, 1803 -	-	21 1 21	301 97
	Do. 531 98, due April 14, 1803 -	-	21 1 17	674 38
	Do. 3,080 01, due June 7, 1803 -	-	20 11 24	3,877 71
	Do. 344 51, due July 3, 1803 -	-	20 10 28	432 85
	Do. 648 69, due June 5, 1805 -	-	18 11 26	739 42
	Balance due the executors - -	266 56	-	64 57
		$9,983 10	-	$12,233 91

No. 10.

DR. *Samuel Washington, sen., in account with the*

			Principal.	Time.	Interest.
1802.	To cash per G. S. Washington	$163 05			
	To check Bank Alexandria	96 61			
	To paid you 19th July, 1802	52 08			
	To paid you by L. Lewis	24 30			
			336 04		
	To cash overpaid on the above distribution		1 69		
	To your purchases without interest -		42 50	*y. m. d.*	
	To purchases due June 5, 1800, per note -		230 00	23 11 25	231 00
1803.					
Jan. 21,	To purchases due this day - -		607	21 4 10	777 97
April 14,	To do do - - -		4,999 06	21 1 17	6,337 95
			$5,880 25	-	7,446 92
1824.					
June 1	To balances due the executors—				
	Principal	701 57			
	Interest	990 78			
			$1,692 35		

No. 10.

acting executors of General George Washington. Cr.

		Principal.	Time.	Interest.
1802.				
Decem.	By your 1-23d of $7,690 82 of stock sold, and dividends thereon, as per paper A - - $334 35			
	Overpaid on this distribution 1 69	336 04		
1805.				
June 5,	By your 1-23d of $119,110 21, being the amount of sales as shown by paper A, referred to in the commissioner's report - - - -	5,178 68		
	By interest on $335 43, your proportion of sale, due January 21, 1803 - -	-	y. m. d. 21 4 10	429 81
	Do. 238 06, do. April 10, 1803 -	-	21 1 21	301 97
	Do. 531 98, do. April 14, do. -	-	21 1 17	674 38
	Do. 3,080 01, do. June 7, do. -	-	20 11 24	3,877 71
	Do. 344 51, do. July 3, do. -	-	20 10 28	432 85
	Do. 648 69, do. June 5, 1805 -	-	18 11 26	739 42
	By balance due the executors - -	701 57	-	990 78
		$5,880 25		$7,446 92

No. 11.

Thomas Hammond in account with the

Dr. Interest to 1st

			Principal.	Tim	Interest.
1802.	No. 1.				
	To cash per G. S. Washington	$163 05			
	To check on the B'k of Alexandria	96 61			
	To paid you 19th July, 1802	52 08			
	To paid you by Law. Lewis	24 30			
			336 04		
	To cash overpaid on the above distribution		1 69		
July 21,	To your purchases at the private sale without interest - - - -		116 00		
1803.				*y. m. d.*	
Jan. 21,	To so much credited Fielding Lewis, per your agreement - - -		66 50	21 4 10	85 19
June 7,	To balance of debt due by B. Ashton, jr. assigned to you, per agreement -		5,957 50	20 11 26	7,502 34
1824.					
June 1,	To this balance due by B. Ashton, jr. upon the settlement of his account to this date, $20 26 and $44 - - -		64 26		
			$6,205 95	-	$7,587 53
	To balance due the executors—				
	Principal,	1,027 27			
	Interest,	1,131 39			
	Total, - -		$2,158 66		

		Principal.	Time.	Interest.
1802.	By your 1-23d of $7,690 82, in right of your wife, of stocks sold, and dividends thereon, as per paper A - $334 35			
	By overpaid on this distribution - 1 69			
		336 04		
1805.				
June 5,	By your 1-23d, in right of your wife, of $119,110 21, being the amount of sales as shown by paper A, referred to in the commissioner's report - - - -	5,178 68		
	By interest on $335 48, your proportion of		*y. m. d.*	
	sales, due Jan. 21, 1803 - -	-	21 4 10	429 81
	Do. 238 06, do. April 10, 1803 -	-	21 1 21	301 97
	Do. 531 98, do. April 14, do. -	-	21 1 17	674 38
	Do. 3,080 01, do. June 7, do. -	-	20 11 24	3,877 71
	Do. 344 51, do. July 3, do. -	-	20 10 28	432 85
	Do. 648 69, do. June 5, 1805 -	-	18 11 26	739 42
	5,178 68			
	By balance - - - - -	1,027 27	-	1,131 39
		$6,205 95	-	$7,587 53

No. 12.

DR. *Doctor Francis Peyton and wife, (late Mrs. Ball,)*

			Principal.	Time.	Interest.
1802.	To cash per G. S. Washington	$163 05			
	To check on Bank of Alexandria	96 61			
	To paid 19th July, 1802	52 08			
	To paid by L. Lewis	24 30			
			336 04		
July 21,	To your purchases at private sale, with interest		76 50		
1803.					
June 7,	To your purchases this day, lots 1 and 2, in Alexandria		1,170 87	y. m. d. 20 11 24	1,474 29
1806.					
Mar. 25,	To executors' order on G. W. P. Custis, favor Dr. Peyton		1,652 05	18 2 06	1,802 38
1822.					
Feb. 19,	To cash paid Fayette Ball, administrator of Mrs. Peyton, per Lawrence Lewis		1,164	2 3 12	158 97
1823.					
Jan. 8,	To do. do. do. do. by B. Washington		600	1 4 23	50 37
1820.					
Mar. 10,	To check of M. Ranson, assigned do. by L. Lewis, (omitted)		800		
Mar. 15,	To L. Lewis's order on M. Ranson, do.		1,077 67	4 2 20	475 68
1824.					
June 1,	To balance of interest due Peyton and wife		-	-	2,494 45
			$6,541 09	-	$6,456 14

No. 12.

in account with the executors of Gen. George Washington. Cr.

		Principal.	Time.	Interest.
1802.	By 1-23d of $7,690 82, amount of stock sold, and dividends thereon, as per paper A - - - 334 35			
	By overpaid on this distribution - 1 69	336 04		
1805.				
June 5,	By 1-23d of $119,110 21, being the amount of sales as shown by paper A, referred to in the commissioner's report	5,178 68		
	By interest on $335 43, your proportion of sales, due January 21, 1803 - -	-	*y. m. d.* 21 4 10	429 81
	Do. 238 06, do. April 10, 1803 -	-	21 1 21	301 97
	Do. 531 98, do. April 14, 1803 -	-	21 1 17	674 38
	Do. 3,080 01, do. June 7, 1803 -	-	20 11 24	3,877 71
	Do. 344 51, do. July 3, 1803 -	-	20 10 28	432 85
	Do. 648 69, do. June 5, 1805 -	-	18 11 26	739 42
1824.				
June 1	By balance principal due the executors -	1,363 41		
		$6,541 09	-	$6,456 14
	By balance of interest - - $2,494 45			
	Deduct principal due the exec'rs 1,363 41			
	Balance due the representatives of Peyton - - 1,131 04			

No. 13.

George A. Washington's children, (Burwell Bassett guardian,) in

DR. Interest to 1st

		Principal.	Time.	Interest.
1802.	To cash paid your guardian, B. Bassett, $96 61			
	52 08			
	24 30			
		336 04		
	To cash overpaid on the above distribution	1 69		
1805.				
June 5	To the Gloucester lands, purchased by your guardian - - - - - -	4,237 83		
1824.				
June 1	To balance due G. A. Washington's children - - - - - -	939 16		
		$5,178 68	-	$6,456 14

30.

No. 13.

account with the acting executors of General George Washington.

June, 1824. Cr.

			Principal.	Time.	Interest.
1802.	By your 1-23d of $7,690 82, your proportion of stocks sold, and dividends thereon, as per paper A - - -	$334 35			
	By overpaid on this distribution -	1 69	336 04		
1805.					
June 5	By your 1-23d of $119,110 20, being the amount of sales as shewn by paper A; referred to in the Commissioner's report -		5,178 68		
1824.					
June 1	By interest on the above sales from the periods they respectively fell due to this date, as per calculation in Gen. Spotswood's account, No. 3, filed with the report - - - - - -		-	-	6,456 14
			$5,178 68	-	$6,456 14
	By balance of principal -	936 16			
	Do interest -	1,627 62			
	Total balance due Geo. A. Washington's children - - - - -		$2,566 78		

No. 14.

Lawrence Lewis in account with the acting

Dr. Interest to 1st

			Principal.	Time.	Interest.
1802.					
Dec'r	To cash paid you by B. Washington	$217 85			
	To check on bank	96 50			
	paid yourself	32 24			
	19th July, 1802	52 08			
	To cash by B. Washington, 22d July, 1802	17 36			
	To balance due on this distribution	29 70			
		$445 80			
	To your purchases at the private sale, without interest		275 00		
1803.				*y. m. d.*	
Jan. 21	To your purchases, due this day		533 25	21 4 10	683 45
June 7	Do do this day		8,968 45	20 11 24	11,291 27
July 3	Do do due this day		1,325 90	20 10 28	1,663 56
	Do do March 5, 1800, (1 jennet,)		91 00	24 2 26	132 80
	Do do Oct. 15, 1800		38 84	23 7 15	55 28
	Do do Nov. 12, 1801		11 50	22 6 18	15 56
	To balance due L. L.		2,454 18	-	2,684 43
			$13,698 12	-	$16,426 35

37

No. 14.

executors of General George Washington.

June, 1824. Cr.

			Principal.	Time.	Interest.
1802.	By 1-23d of $7,690 82, being a full share in right of your wife, the amount of stocks sold, and dividends thereon, per paper A $334 35				
	By ½ of a share in your right - 111 45				
	By cash overpaid you on this distribution - - - 2 25				
			445 80		
1805.					
June 5	By your wife's 1-23d, being a full share of sales amounting to $119,110 21, as per paper A $5,178 68				
	By ½ of a share in your own right 1,726 22				
			6,904 90		
	By interest on $447 24, your proportion of sales, due January 21, 1803 - -		-	y. m. d. 21 4 10	573 08
	Do 317 41, due April 10, 1803		-	21 1 21	402 63
	Do 709 30, " " 14, "		-	21 1 17	899 17
	Do 4,106 68, " June 7, "		-	20 11 24	5,170 30
	Do 459 35, " July 3, "		-	20 10 28	577 13
	Do 864 92, " June 5, 1805		-	11 11 26	985 71
	6,904 90				
1803.					
June 7	By Charles Carter's order - -		3,850 00	20 11 24	4,847 14
1805.					
Jan. 1	Howell Lewis's do - - -		150 00	19 5 00	174 75
Mar. 12	G. W. P. Custis's do - - -		472 40	19 2 19	544 75
1806.					
Mar. 20	David Stuart's do - - -		1,333 33	18 2 11	1,445 77
1807.					
April 28	William Robinson's order - -		100 00	17 1 3	102 55
1810.					
May 29	Charles Carter's do - -		532 05	14 0 2	447 10
1812.					
May 25	Howell Lewis's do - -		355 44	12 0 6	256 27
			$13,698 12	-	$16,426 35
1824.					
June 1	By balance of interest -	$2,684 43			
	Do principal -	2,454 18			
	Due L. Lewis - - - -		$5,138 61		

No. 15.

Robert Lewis in account with the acting

Dr. Interest to 1st

			Principal.	Time.	Interest.
1802.	To cash paid you - -	$163 05			
		96 61			
		52 08			
		24 30			
			$336 04		
	To cash paid on the above distribution -		1 69		
1803.	To your purchases at private sale, without interest - - - - -		176 50		
				y. m. d.	
Jan. 21	To your purchases, due this day - -		45 00	21 4 10	57 67
June 7	Do do do - -		6,112 25	20 11 24	7,695 26
April 14	Do do do - -		7,236 66	21 1 17	9,175 30
			$13,572 10	-	$16,928 23
	To balance of principal -	393 42			
	Do interest -	1,166 18			
	Due the executors - - -		$1,559 60		

No. 15.

executors of General George Washington, deceased.

June, 1824. Cr.

		Principal.	Time.	Interest.
1802.	By your 1-23d of $7,690 82, the amount of sales of stock, and dividends thereon - $334 35			
	By overpaid on this distribution - 1 69			
		$336 04		
	By your proportion of sales, per paper A	5,178 68		
	By interest on the same as they respectively fell due, to the date, as per calculations in Gen. Spotswood's account No. 3	-	-	6,456 14
1806.			*y. m. d.*	
April 12	By cash paid Howell Lewis, per order -	4,537 86	18 1 18	4,937 11
1808.				
June 17	By Rust's and Hicks's bonds assigned W A. Washington, to bear interest from 7th June, 1803 - - - -	3,305 00	20 11 24	4,368 80
1824.	By paid W. A. Washington, June 7, 1803	157 14		
June 1	By balance due the executors - -	393 42	-	1,166 18
		$13,572 10	-	$16,928 23

No. 16.

Howell Lewis in account with the acting

Dr. Interest to 1st

			Principal.	Time.	Interest.
1802.	To cash paid you -	$163 05			
		96 61			
		52 08			
		24 30			
			$336 04		
	To overpaid on the above distribution -		1 69		
July 21	To your purchases at private sale, without interest - - - - -		45 00		
1803.				y. m. d.	
Jan. 21	To your purchases, due this day - -		135 75	21 4 10	174 30
1805.					
Jan. 1	To so much credited L. Lewis by your order - - - - -		150 00	19 5 0	174 75
1806.					
April 12	To so much paid you by R. Lewis, per executors' order - - -		4,537 86	18 1 18	4,937 11
1812.					
May 25	To your order favor of Lawrence Lewis -		355 44	12 0 6	256 27
	To balance of interest - - -		-	-	913 71
			$5,225 74	-	$6,456 14

39.

No. 16.

executors of General George Washington.

June, 1824. Cr.

			Principal.	Time.	Interest.
1802.	By your 1-23d of $7,960 82, the amount of sales of stock, and dividends thereon, as per paper A - - -	$334 35			
	By overpaid on this distribution -	1 69	$336 04		
1805. June 5	By your 1-23d of $119,110 21, the amount of sales, as per paper A, referred to in the Commissioner's report - -		5,178 68		
	By interest on the same as they respectively fell due, to this date, per calculations in Alexander Spotswood's account No. 3 - - - - - -		-	-	6,456 14
	By balance principal - - -		47 06		
			$5,225 74	-	$6,456 14
	By balance of interest - -	913 71			
	Deduct balance of principal -	47 06			
	Due H. Lewis - - - -		$866 65		

No. 17.

George Carter in account with the

Dr. Interest to

			Principal.	Time.	Interest.
1802.	To cash paid you - -	$163 05			
		96 61			
		52 08			
		24 30			
			$336 04		
	To your purchases at the private sale, without interest - - -		10 00		
1803.					
Jan. 7	To your purchases this day -	$250 00			
	To ½ yours and Geo. Lewis's bonds for purchases - - -	547 50			
			797 50	y. m. d. 20 11 24	$1,004 00
	To so much credited Law. Lewis, per your order - - - - - -		3,850 00	20 11 24	4,847 14
1810.					
May 29	Do do do do -		532 00	14 0 2	447 10
	Balance of interest - - - -		-	-	157 90
			$5,189 50	-	$6,456 14

40.

No. 17.

acting executors of General George Washington.

1st June, 1824. Cr.

			Principal.	Time.	Interest.
1802.	By your 1-23d of $7,690 82, amount of stock sold, and dividends thereon, as per paper A - - - - -	$334 35			
	By overpaid in this distribution -	1 69			
			$336 04		
1805.					
June 5	By your 1-23d of $119,110 21, the amount of sales, as shown by paper A, referred to in the commissioner's report - -		5,178 68		
1824.					
June 1	By interest thereon, as they respectively fell due, to this date, as shown by the calculations in Gen. Spotswood's account, No. 3		-	-	$6,456 14
	Balance - - - - - -		10 92		
			$5,189 50	-	$6,456 14
	By balance of interest - -	$157 90			
	Deduct balance of principal -	10 92			
	Due C. Carter - - -		$146 98		

No. 18.

Bushrod Washington, (executor,) in account with

Dr. Interest to

			Principal.	Time.	Interest.
1802.	To cash - - - -	$54 35			
		96 61			
		32 20			
		8 09			
		17 36			
			$208 64		
1802.					
July 21	To overpaid on this distribution - -		58		
	To your purchases at the private sale, without interest - - - -		$401 00		
1803.					
Jan. 21	To do due this day -	$2,862 60			
	To Geo. Lewis's purchases, assigned by you - -	547 50			
			3,410 10	y. m. d. 21 4 10	$4,370 58
	To do at private sale, without interest -		11 00		
July 3	To your purchases, due this day - -		1,910 55	20 10 28	2,397 52
June 7	To do do do do - -		380 00	20 11 24	478 62
1811.					
May 31	To cash, as charged by you to the estate in your first executorial account, reported to Fairfax court by Commissioner Moore -		1,195 95	12 0 0	2,157 12
	Balance of interest - - - -		-	-	204 35
			$7,309 18	-	$9,608 19

41.

No. 18.

the acting executors of General George Washington.

1st June, 1824. Cr.

			Principal.	Time.	Interest.
1802.	By 1-3 of $334 35, which is a full share of $7,690 82, the amount of stock sold, interest thereon, and one payment of Shepherd for Difficult Run lands. (See paper A)	$111 45			
	By Geo. Lewis' share of Shepherd's first payment - - -	96 61			
	Overpaid on this distribution -	58			
			$208 64		
1805. June 5	By your 1-3 of $5,178 68 -	$1,726 22½			
	By Geo. Lewis' full share of $119,110 21 - -	5,178 68			
			6,904 91		
	By interest on the above, as per calculations in L. Lewis' account, No. 14 - - -		- -	-	$9,608 19
	By balance of principal - - -		404 27		
			$7,309 18	-	$9,608 19
	By balance of principal - -	$404 27			
	Deduct balance of interest -	204 35			
	Due B. Washington - -		$199 92		

No. 19.

DR. *G. W. P. Custis in account with*

			Principal.	Time.	Interest.
1802.	To cash - - - -	$54 35			
		32 20			
		17 36			
		8 10			
			$112 01		
1801.				*y. m. d.*	
Nov. 12	To your purchases this day, 2 jennets -		122 00	22 6 18	$165 06
	To cash overpaid on the above distribution -		56		
1803.					
Jan. 21	To your purchases, due this day	$1,167 85			
	To assumsit for G. S. Washington	60 00			
	To this sum credited L. Lewis -	2 00			
			1,229 85	21 4 10	1,576 30
July 3	To your purchases, due this day - -		2,842 81	20 10 28	3,580 00
1805.					
Mar. 12	To this sum credited L. Lewis - -		472 40	19 2 19	544 75
			4,667 62	-	$5,866 11
1824.					
June	To balance due the executors -	$122 68			
		582 68			
			$705 36		

No. 19.

executors of Gen. George Washington. Cr.

		Principal.	Time.	Interest.
1802.	By 1-3 of $334 35, a full share of $7,690 82, stock sold, interest thereon, &c., as per paper A - - - $111 45			
	Overpaid on this distribution - 56	$112 01		
1805.				
une 5	By your 1-3 of $5,178 68, a full share of $119,110 21, the amount of sales as shown by paper A - - - -	1,726 23		
1824.				
une 1	By interest on your proportions of the above sales, from the period they fell due to this date, as per calculations in Nicholas Fitzhugh's account, No. 6 - - -	-	*y. m. d.* -	$2,152 05
1805.				
une 5	By David Stewart's order on the executors -	1,166 66	18 11 26	1,329 00
1806.				
lar. 25	By this sum paid Francis Peyton - -	1,652 05	18 2 6	1,802 38
	Balances - - - - -	122 68		582 68
		$4,667 62	-	$5,866 11

No. 20.

Corbin Washington's heirs in account with the

Dr. Interest to

			Principal.	Time.	Interest.
1802.	To paid your guardian, Thos. Lee	$163 05			
		96 61			
		52 08			
		24 30			
			$336 04		
1803.					
Dec. 27	Overpaid on the above distribution - -		$1 69	*y. m. d.*	
	To cash paid N. Herbert for your account -		3,072 00	10 5 4	$1,912 00
1817.					
Dec. 4	To Jno. A. and B. C. Washington, and R. H. S. Washington's administrators -		1,846 25	6 5 27	716 27
1818.					
Mar. 18	To estate of R. H. L. Washington - -		168 88	6 2 13	62 93
June 23	To do do do - -		111 57	5 11 18	39 30
July 6	To B. C. Washington - - -		1,200 00	5 10 25	425 00
1819.					
June 16	To Jno. A. Washington - - -		2,318 56	4 11 15	689 90
	Balance of interest - - - -		-	-	2,610 14
			$8,718 95	- -	$6,456 14
	Balance of principal due the executors - - -	$3,540 27			
	Deduct interest - -	2,610 14			
		$930 13			

43.

No. 20.

acting executors of General George Washington.

1st June, 1824. Cr.

		Principal.	Time.	Interest.
1802.	By 1-23 of $7,690 82, sales of stock, &c., as per paper A - - - $334 35			
	By overpaid on this distribution - 1 69			
		$336 04		
1805. June 5	By 1-23 of $119,110 21, amount of sales as shown by paper A - - -	$5,178 68		
	By interest on the same, as per calculations in Gen. Spotswood's account, No. 3 -	-	-	$6,456 14
	By balance of principal - - -	3,540 27		
		$8,718 95	-	$6,456 14

No. 21.

Thomas Peter in account with the acting

Dr. Interest to 1st

			Principal.	Time.	Interest.
1802.	To cash paid you - -	$165 05			
		96 61			
		52 08			
		24 30			
			$336 04		
	To cash overpaid on the above distribution		1 69		
1800.				y. m. d.	
March 5	To purchases this day, due June 5th -		58 50	24 0 0	83 52
1801.					
Nov. 12	To purchases this day, due Nov. 12, 1802 - - -	51 00			
	To purchases made by Hamersley, due Nov. 12, 1802 - -	383 00			
			434 00	21 6 18	561 16
1802.					
July	To purchases at the private sale without interest - - - - -		9 00		
1803.					
Jan. 21	To purchases due this day -	22 50			
	To your assumpsit for James Patton	50 00			
			82 50	21 4 10	105 59
April 10	To your purchases this day - -		5,475 45	21 1 21	6,944 48
June 7	Do do do - -		686 54	20 11 24	844 19
July 3	Do do do - -		189 75	20 10 28	238 14
			$6,936 93	-	$8,777 08
1824.					
June 1	To balance due the executors -	494 92			
		940 09			
			$1,435 01		

44

No. 21.

executors of General George Washington.

June, 1824. Cr.

		Principal.	Time.	Interest.
1802.	By your 1-23d of $7,690 82, amount stocks sold, &c. as per paper A 334 35			
	By overpaid on this distribution - 1 69			
		$336 04		
1805.				
June 7	By your 1-23d of $119,110 21, amount of sales as per paper A - - -	5,178 68		
	By interest on the same, as per calculations in Gen. Spotswood's account No. 3 -	-	-	6,456 14
1802.				
July	By your order on W. A. Washington, due 21st January, 1803 - - -	90 00	y. m. d. 21 4 10	115 35
1806.				
June 9	By David Stewart's order on the executors	1,173 33	17 11 22	1,265 50
1824.				
June 1	By balances - - - - -	494 92	-	944 09
		$6,936 93	-	$8,777 08

No. 22.

Fielding Lewis's heirs in account with the acting

Dr. Interest to 1st

			Principal.	Time.	Interest.
1802.	To cash paid you - -	$163 05			
		96 61			
		52 08			
		24 30			
			$336 04		
	To overpaid on the above distribution -		1 69		
	To purchase up stairs, without interest -		7 00		
1803.				*y. m. d.*	
July 3	To purchase due this day - - -		133 00	20 10 28	166 85
1807.					
Sept. 22	To paid you by A. Spotswood - -		5,815 51	16 8 9	5,824 23
	To balance of interest - - -		-	-	550 25
			$5,957 20	-	$6,541 33
	To balance of principal -	- 712 02			
	Deduct balance of interest	- 550 25			
	Due the executors -		$171 77		

43.

No. 22.

executors of General George Washington.

June, 1824. Cr.

		Principal.	Time.	Interest.
1802.	By 1-23d of $7,960 82, sales of stock, &c. per paper A, referred to in the Commissioner's report $334 35			
	By overpaid on this distribution - 1 69			
		$336 04		
1805.				
June 7	By 1-23d of $119,110 21, amount of sales, paper A - - - - -	5,178 68	y. m. d.	
	By Thomas Hammond, per agreement -	66 50	21 4 10	85 19
	By interest on the sales, as per calculations in Gen. Spotswood's account, No. 3 -	-	-	6,456 14
	By balance principal - - -	712 02		
		$5,957 20	-	$6,541 33

No. 23.

Thornton and Samuel Washington,

Dr.

			Principal.	Time.	Interest.
1812.				*y. m. d.*	
Aug. 16	To check by Major Lewis on Bank of Alexandria		1,200 00	11 9 15	849 00
1817.					
July 23	To cash paid H. S. Turner, per order of Dr. Schooly, assignee of Samuel Washington		900 00	6 10 0	738 60
30	To Thornton Washington		900 00		
1818.					
June 4	To H. S. Turner, per order as above		402 31	6 0 0	289 80
	To Thornton Washington		402 31		
1819.					
July 17	To H. S. Turner in full of the above order		420 90	5 3 14	1,551 84
	To Dr. Schooly, as assignee as aforesaid		2,031 00		
	To Thornton Washington		2,435 90		
	Balance of interest				
			$8,690 42	-	$6 456 14
	To balance of principal	$3,511 74			
	Deduct balance of interest	3,027 50			
	Due the executors		$484 24		
1802.	To cash paid you	$163 05			
		96 61			
		52 08			
		24 30			
			$336 04		

46.

No. 23.

heirs of Thornton Washington, deceased.

Cr.

		Principal.	Time.	Interest.
1805.				
June 5	By amount of your proportion of sales -	5,178 68		
	By interest on the same, as calculated in Gen. Spotswood's account, No. 3 -	-	-	6,456 14
	Balance of principal - - -	3,511 74		
		$8,690 42		$6,456 14
1802.	By 1-23d of $7,690 82, sales of stock, &c. per paper A $334 35			
	By overpaid on this distribution - 1 69			
		$336 04		

No. 24.

Mrs. Eliza P. Custis in account with

Dr.

		Principal.	Time.	Interest.
1802.				
July 21	To purchases by Mr. Law at the private sale, not to bear interest - - -	101 00		
1804.				
July 23	To cash received by you of Gen. Dearborn on account of house rent in Washington	450 00	y. m. d. 19 10 8	540 60
1806.				
Oct. 1	To cash paid you, as per receipt - -	266 66		
6	To cash by Charles Simms - -	216 67		
	To cash by B. Dulany's check on Bank Alexandria - - - -	300 00	17 7 10	1,166 12
	To cash by Dr. Dick - - -	200 00		
	To cash by Andrew Scholfield - -	122 02		
1809.				
Sept. 12	To cash per your trustees, by an order on Col. John Thornton - - -	4,500 00	14 8 19	3,975 75
1813.				
Feb. 28	To cash by Thomas Peter, your trustee, by B. Washington - - - -	1,500 00	1 3 3	113 35
1824.				
June 1	To balance interest - - -	-	-	1,925 82
		$7,656 35	-	$7,721 64
	To cash - - - - 163 05			
	96 61			
	52 08			
	24 30			
		$336 04		
	To cash overpaid on the above distribution	1 69		
	Balance down - - - -	621 48		
	Due Mrs. Law - - - -	$619 79		

No. 24.

the executors of General Washington.

Cr.

			Principal.	Time.	Interest.
1805.					
June 5	By your proportion of sales, per paper A -		5,178 68		
1824.					
June 1	By interest on the same, as calculated in Gen. Spotswood's account, No. 3 -		-	-	6,456 14
1806.				*y. m. d.*	
June 9	By Dr. Stewart's order on the executors in your favor - - - -		1,173 33	17 11 22	1,265 50
1824.					
June 1	Balance principal - - - - -		1,304 34		
			$7,656 35	-	$7,721 64
	By balance of interest -	$1,925 82			
	Deduct balance of principal	1,304 34			
			$621 48		
	Due E. P. Law - - - -				
1802.	By your 1-23d of $7,690 82, stock sold, &c. as per paper A - - - -		334 35		
	By overpaid on this distribution - -		1 69		
			$336 04		

To the Hon. Creed Taylor, Esq., Judge of the Superior Court of Chancery for the Richmond district:

Humbly complaining, show unto your honor your orators Samuel Smith, James A. Buchanan, and James Calhoun, jr., late merchants and partners, trading under the firm of Smith, Calhoun, & Co., at the city of Baltimore. That certain Thomas Hammond, residing in Virginia, being largely indebted to your orators, assigned over to your orators, in discharge of said debt, so far as it would go, a mortgage of land in Jefferson county, Virginia, which had been given by a certain Burdett Ashton, jun., of King George county, in the State of Virginia, to the executors of George Washington, Esq., deceased, and by them assigned to the said Thomas Hammond for the amount mentioned in said mortgage, after deducting the amount due to said Ashton for his and his sister's distributive share of certain real and personal estate of said George Washington, Esq., the sum for which the mortgage was given, $9,410 20, with interest, at 6 per centum per annum, from the 7th June, 1803; the said sum to be paid by the instalments in said mortgage mentioned, to wit, one-third on demand, one-third on the 7th day of June, 1805, and the residue on the 7th day of June, 1806. Your orators annex hereto a copy of said mortgage, with its assignment to said Hammond and your to orators, for the information of your honor. And your orators further state, that the sum which the said Burdett Ashton is entitled to claim as a credit against said mortgage is $2,589 26. Your orators beg leave to refer your honor to the following letters to Calhoun and Lammat, who, since Smith, Calhoun, & Co., have ceased to do business under the last mentioned firm, have had the collection of sundry debts due to Smith, Calhoun, & Co. The letters are as follows: from Thomas Hammond to Calhoun and Lammet, dated 19th March, 1806; same to same, 2d June, 1806; same to same, 18th June, 1806; also, a letter from Burdett Ashton, jr. to Calhoun and Lammot, July 6th, 1806. These letters will be found to confirm your orator's statement, and to show that Ashton has promised to pay the debt so assigned to your orators. But now, so it is, may it please your honor, that the said Ashton has not paid any part of said debt, secured by the mortgage as aforesaid to your orators, as he was bound to do, but the same still remains due and unpaid, by force of said assignment of said mortgage to your orators. In tender consideration whereof, and for as much as your orators are relievable in equity; to the end, therefore, that Burdett Ashton, jr., who lives in King George county, Thomas Hammond, who lived in Jefferson county, also William Augustine Washington, who lives in county, Bushrod Washington, who lives in Fairfax county, George Washington Park Custis, who lives in the District of Columbia, George S. Washington, who lives in county, Lawrence Lewis, who lives in Fairfax county, Samuel Washington, who lives in county, which six last named persons are the executors of General George Washington, deceased, may be made defendants to this bill, and answer the same on oath; that the said executors of General Washington may say whether they did not assign the aforesaid mortgage to Thomas Hammond; that they may say what credit Burdett Ashton, jr., is entitled to against said mortgage, on account of his and his sister's shares of certain property sold by the executors of General Washington, as is mentioned in their assignment to Hammond? Is not that credit properly stated in this bill? That said Burdett Ashton, jr., may say whether the letter before mentioned, of the 6th July, 1806, was not written

by him; that Thomas Hammond may also answer this bill, and state whether the letters before referred to were not written by him, as before stated, to Calhoun and Lammet; that the said Ashton say whether he is not indebted to your orators the full amount of said mortgage, after deducting the credit before mentioned, amounting to $2,589 26; that your honor will decree, unless the said Ashton pay the sum due on the mortgage on or before some reasonable day, to be named by the court, that the said Ashton be foreclosed of his equity of redemption of the tracts of land in the mortgage mentioned, which lands lie in Jefferson county, Virginia; and that, in default of payment, the mortgage premises be decreed to be sold by commissioners appointed by your honor, and that the money arising from the sale be applied, so far as it will go, to pay your orator's claim. And your orators further pray that you will make any further and other decree, and afford them any other relief which the principles of equity require, according to the nature of your orators' cause, and as to your honor shall seem meet. May it please your honor to grant the process of subpœna to said defendants, commanding them, &c. &c.

This indenture, made this twelfth of March, in the year of our Lord one thousand eight hundred and five, between Burdet Ashton, jr., of the county of King George, of the one part, and William Augustine Washington, Bushrod Washington, Lawrence Lewis, George S. Washington, Samuel Washington, and George W. P. Custis, executors of General George Washington, deceased, of the other part, witnesseth, that the said Burdet Ashton, jr., for and in consideration of the sum of nine thousand four hundred and ten dollars twenty cents, by the said William Augustine Washington, Bushrod Washington, George S. Washington, Lawrence Lewis, Samuel Washington, and George W. P. Custis, to him, the said Burdet Ashton, jr, in hand paid, at and before the ensealing and delivery of these presents, the receipt whereof he doth hereby acknowledge, and for and from the same doth acquit the said payees, hath given, granted, bargained, and sold, and doth by these presents give, grant, bargain, and sell, unto the said William Augustine Washington, Bushrod Washington, George S. Washington, Lawrence Lewis, Samuel Washington, and George W. P. Custis, their heirs and assigns, all that tract or parcel of land, lying and being in the county of Jefferson, on Bullskin, now in possession of John Riely and John Dimmit, containing four hundred and sixteen acres, and bounded. as by a survey thereof made by William McPherson in the year 1803, as follows, viz: Beginning at John Davenport's corner; thence N. 72 W. 12 poles; thence N. 59 W. 24 poles; thence N. 88° 30', W. 13 poles, to the head spring of Bullskin; thence S. 4 E. 21° 5 poles, to a white oak; S. 84 W. 48 poles; N. 69½ W. 10, 5 poles, to a locust, Throckmorton's corner; thence S. 10 West 215 poles, to Alimory's corner; thence S. 69° 45" E. 303 poles, to a locust stump, Greg's corner; thence N. 8° E. 267 poles, to a locust, Bryan's corner; thence S. 71 W. 139 poles; thence N. 26 W. 119, 3 poles, to the beginning: also, all that tract or parcel of land adjoining the above, containing three hundred and fifty-nine acres, and bounded as by the same survey as follows: beginning at Haine's corner; thence S. 79 W. 126 poles, to a hickory; thence S. 67 W. 69 poles, to a locust, Dimmit's corner; thence S. S W. 267 poles, to a locust stump; thence S. 69° 45" E. 54 poles, to a locust stump; N. 85 E. 141 poles, to a blackoak; thence N. 6 E. 325 poles. to the beginning; which said land is in the possession of John Bryan and Thomas Griggs, as tenants thereof: Also, all that tract or parcel of land, containing three

hundred and one acres, and bounded, as by a survey thereof, made by the said William McPherson in the year 1803, as follows, viz: beginning at a post, corner to Robert Baylor; thence N. 80¼ W. 134 poles, to a hickory; thence S. 2 E. 42 poles, to a clay hole; thence S. 78° 30" E. 204 poles; thence S. 42 E. 65 poles, to a whiteoak stump; thence N. 72 E. 330 poles, to a whiteoak in Wormley's line; thence N. 20 E. 206 poles, to Launcelot Lee's corner; thence S. 54 W. 318 poles; thence W. 240 poles to the beginning, lying in Jefferson county, and is, or lately was, in the possession and occupation of Gabriel Grandfield. To have and to hold the said hereby granted premises, with the appurtenances, unto the said William Augustine Washington, Bushrod Washington, George S. Washington, Lawrence Lewis, Samuel Washington, and George W. P. Custis, their heirs and assigns, to the only proper use and behoof of the said grantees, their heirs and assigns, for ever. Provided, nevertheless, and it is the true intent and meaning of these presents, that, if the said Burdet Ashton, jr., his heirs, executors, and administrators, shall well and truly pay, or cause to be paid, to the said grantees, William Augustine Washington, Bushrod Washington, George S. Washington, Lawrence Lewis, Samuel Washington, and George W. P. Custis, or to either of them, or to their assigns, or to the executors, administrators, or assigns, or the survivor of them, the sum of nine thousand four hundred and ten dollars twenty cents, with interest thereon, after the rate of six per centum per annum, from the seventh day of June, in the year eighteen hundred and three, by the following instalments, that is to say, one-third part of the said sum on demand, one other third part of the said sum of nine thousand four hundred and ten dollars twenty cents on the seventh day of June, eighteen hundred and five, and the residue or remaining third part of the said principal sum on the seventh day of June, in the year eighteen hundred and six, then this indenture to be void and of no effect, otherwise to be and continue in full force and effect. And the said Burdet Ashton, jr., for himself, his heirs, executors, and administrators, doth covenant, grant, and agree, to and with the said William Augustine Washington, Bushrod Washington, George S. Washington, Lawrence Lewis, Samuel Washington, and George W. P. Custis, their executors, administrators, and assigns, that he will well and truly pay, or cause to be paid, the aforesaid sum of nine thousand four hundred and ten dollars and twenty cents, with interest as aforesaid, in the manner and at the times for this purpose above mentioned.

In witness whereof, the said Burdet Ashton, jr., hath ~~hitherto~~ hereunto set his hand and affixed his seal, the day and year first above written.

B. ASHTON, Jr.

Signed, sealed, and delivered, in presence of us,
J. Stith,
Law. Washington, Jr.
Maria Stith.

At a monthly court, held for King George county the fourth day of April, 1815, this deed, being produced in court, was acknowledged by the said Burdet Ashton, jr. as and for his act and deed, and ordered to be certified to the county court of Jefferson, for record.

Teste, LAW. BERRY, *Clerk.*

At a court held for Jefferson county the 9th day of July, 1805, this deed of mortgage was produced to the court, duly certified from the county court of King George, and ordered to be recorded. By the court.

Test, GEO. HITE.

A copy. Test,

GEO. HITE, *C. J. C.*

Know all men by these presents, that we, Bushrod Washington and Lawrence Lewis, two of the executors of General George Washington, in the capacity, and by virtue of a power of attorney from the other executors, in consideration of one dollar to them in hand paid, but principally on account of the share of the said Thomas Hammond, hereafter named, in certain sales made of the real and personal estate of the said George Washington, in right of his wife, have bargained, sold, assigned, and made over, and do by these presents bargain and sell, assign and make over, unto the said Thomas Hammond, his heirs, executors, administrators, and assigns, all the right, title, interest, and estate, claim and demand, of the executors of the said George, in and to the within mentioned land and premises, and to the deed within mentioned: to have and to hold the said premises hereby granted unto the said Thomas Hammond, his heirs and assigns, for ever. In witness whereof, we have hereunto set our hands and seals, the eleventh day of March, one thousand eight hundred and six.

BUSHROD WASHINGTON, [L. S.]
LAW. LEWIS, [L. S.]
WILLIAM A. WASHINGTON, [L. S.]
GEORGE S. WASHINGTON, [L. S.]
SAMUEL WASHINGTON, [L. S.]
GEO. W. P. CUSTIS, [L. S.]

Signed, and delivered in presence of
MARIA BLACKBURN,
T. BLACKBURN, Jr.
JACOB LYNGE KOLVIG.

Memorandum. The executors are not to be made personally liable, in any respect, or on any pretence wherein, for or by reason of the above assignment, and further the within named Burdet Ashton, jr., his heirs, executors, and administrators, is to have credit for his proportion of five thousand one hundred and seventy-nine dollars five cents, being the share of each legatee of said George Washington, of certain sales of real and personal estate made by the said executors, as well as for the proportion of the sister of the said Burdet, as her attorney in fact.

March 11, 1806.

JEFFERSON COUNTY, sct.

Know all men by these presents, that I, Thomas Hammond, for and in consideration of the sum of five thousand six hundred and four dollars and sixty-four cents, due from me to Smith, Calhoun, & Co., of the city of Baltimore, since the first day of July, 1803, and in further consideration of one dollar in hand paid by the said Smith, Calhoun, & Co., have bargained, sold, assigned, and made over, and by these presents do bargain, sell, assign and make over, unto the said Smith, Calhoun, & Co., their heirs and assigns, all his, the said Thomas Hammond's, right, title, interest, claim, and demand, to so much of the within mortgaged premises as will be sufficient to satisfy

the sum aforesaid, and to have and to hold the said premises hereby granted to the said Smith, Calhoun, & Co., their heirs and assigns for ever.

Witness my hand and seal, 2d April, 1806.

THOMAS HAMMOND. [L. S.]

Sealed and delivered in presence of

ROBERT FULTON,
R. G. HITE,
JOHN HUMPHREY,
WILL. TATE,
B. B. BREEDIN,
T. GREGGS,
GEO. W. HUMPHREYS.

At a court continued and held for the county of Jefferson the 14th day of April, 1807, this foregoing assignment and transfer of mortgage from Thomas Hammond to Smith, Calhoun, & Co., was proved by the oaths of William Tate, Thomas Greggs, and George W. Humphreys, three of the subscribing witnesses thereto, and ordered to be recorded.

Teste: GEORGE HITE, *C. J. C.*

CHARLESTOWN, 19*th March*, 1806.

Gentlemen: I have at last received from the executors to the will of G. Washington an assignment on Burdet Ashton's mortgage in this county, for six thousand eight hundred and twenty dollars and sixty-seven and a half cents, exclusive of interest, *they lat* payment due the 7th of next June. I wish to know if I shall forward it to you, or wait until I see you, or some of your house. This has been an unpleasant transaction for both parties, but imagine on my part to keep you out of your money, you *paled* and friendly transaction to me in this business, *claimes* my warmest acknowledgment of gratitude.

I am gentlemen, your obedient servant,

THOMAS HAMMOND.

Messrs. CALHOUN & LAMMOT, *Merchants, Baltimore.*

CHARLESTOWN, *2d June*, 1806.

Gentlemen: I have this day delivered, and observe its contents: the heirs of Ashton is entitled to one share of the estate of G. Washington, which share amounts to $5,179 01 of property now sold: there is four children of them; each will be entitled to $1,294 05; Burdit Ashton will be entitled to a credit on that mortgage for the amount of his and his sister's, which is $2,589 76. When that is credited on the mortgage, I flatter myself there will be more *that* will pay you. I wish you to proceed as quick as possible in getting the money. I am in hopes you will get some on the first application.

I am sir, with due respect, your obedient servant,

THOMAS HAMMOND.

Messrs. CALHOUN & LAMMOT, *Merchants, Baltimore.*

Gentlemen: I wrote you by the last post, giving you a statement of the credit which Burdet Ashton is entitled to: you may rely on the correctness of the same. From your remarkable polite and friendly treatment throughout the whole of this business, I should consider myself guilty of a very ungenteel transaction to assign to you a mortgage that was not sufficient for

the debt; nor would Bushrod Washington assign such to me. I wish you to push the business as quick as possible. Our business has been extremely unfortunate—not from any wish on my part, I assure you. I have a favor to ask you. Amongst bonds you received from me was one of John Packets; he is insolvent, and if he is not obliged to take the oath of insolvency, I have a hope of saving a part; the favor I wish of you is to wait one year for the same. If it is not too much trouble, you could consult Mr. Tate, who is fully acquainted with the same. Your compliance with the above will particularly oblige your friend,

THOS. HAMMOND.

Messrs. CALHOUN & LAMMOT, *Merchants, Baltimore.*
18*th June*, 1806, *Happy Retreat.*

KING GEORGE COUNTY, VIRGINIA, *July* 6, 1806.

Gent.: Yours of the 20th ultimo I have just received, which informs me a circumstance I was before perfectly acquainted with. The amount of the sales made by the executors I know not, therefore cannot possibly say what is the proper credit to be given on the mortgage, but I think there was a rough statement given me some time ago, which, as well as I recollect, would leave a balance due by me some where about six thousand dollars, which sum I am sorry it is not in my power at this time to pay, nor can I say with certainty when I shall be able to take in the mortgage, but I think it will be in my power some time this next winter. I hope I shall have it in my power shortly to dispose of as much of the property I purchased as will pay you. If so you shall be immediately paid.

I am, gentlemen, your obedient servant,

B. ASHTON, Jr.

N. B. I expect to be in Baltimore shortly, and trust it will be in my power to settle it with you some way or other.

Messrs. CALHOUN & LAMMOT, *Baltimore.*

Copies. Teste, J. F. FORD,
Clerk of the Fredericksburg Chancery Court.

The answer of Bushrod Washington and Lawrence Lewis, two of the executors of George Washington, deceased, to the bill of complaint exhibited in the honorable court by Samuel Smith, James A. Buchanan, and James Calhoun, jr., against them and others.

These defendants, saving all just exceptions to the said bill, for answer thereunto, or unto so much thereof as they are advised is any ways material for them to answer unto, they answer and say, that true it is the said Burdet Ashton, jr., in the will named, did execute to the executors of the said George Washington such mortgage as in the bill mentioned, for securing the payment of the sum also stated in the bill, at the times, in the manner, and at the rate of interest therein mentioned. They also admit that they did assign the aforesaid mortgage to the said Thomas Hammond, on account of his share in the sales of the estate of the said George Washington, claimed in right of his wife; but the amount due from the said Ashton exceeding by some hundred dollars the interest of the said Hammond in the sales then made, these defendants received from the said Hammond a security for payment of the difference.

These defendants further state, that at a meeting of the devisees of the said George Washington, which took place on the 6th of June, 1803,

it was agreed that certain lands belonging to the estate of the said George Washington, lying on the eastern waters, should be sold, and, if purchased by the devisees of the said George Washington, such purchaser should pay at three equal aunual instalments with six per cent. interest from the day of sale, but to be credited with his proportion of the sales which had there been made, and which were to be divided amongst the said devisees. These defendants beg leave to refer to the annexed paper, as containing a statement of the sales of the real and personal estate of the said G. W. to the said devisees at the time above mentioned, at former periods, and one other made afterwards on the 5th of June, 1805, and the different days from when interest was to run upon the said purchases; and they admit that the said B. A. is entitled against his mortgage to a credit for ½ of 1-23 part of the aggregate of said sales in his own right, and to other ½ of 1-23 part in right of his sister Ann, provided these defendants should succeed in a suit which they are compelled to institute against the representatives of Thomas Lee, deceased, who purchased property belonging to the estate of the said George Washington to the amount of $15,125, a proportion of which is allowed the said Burdet Ashton in the above statement as a credit. Should the result of the above suit be thrown back upon the hands of the executors, the lands so purchased by the said Lee, the aggregate of sales, and consequently of the said Ashton's interest in them, will be greatly diminished, as the land would not now command, as these defendants are well assured, near as great a price as the said Lee agreed to pay for the same. On this account, as well as by reason of a considerable claim which is threatened against the estate of the said George Washington, these defendants pray that this honorable court will so far protect them as to compel the said Ashton to give security to refund in case the credit before mentioned should exceed his just proportion of the estate of the said George Washington.

These defendants deny all combination, and pray to be hence dismissed with their reasonable costs, &c.

BUSH. WASHINGTON.

ALEXANDRIA COUNTY, sct.

Personally appeared before me, Abraham Faw, one of the justices of peace for said county, the within named Bushrod Washington, who made oath that the facts set forth in the within answer, as of the knowledge of the said Bushrod Washington, are true; and that such as are stated to be from the information of others he believes to be true.

Given under my hand this 26th day of December, in the year 1807.

A. FAW.

DISTRICT OF COLUMBIA, *Alexandria County*, } sct.

I, Edmund I. Lee, Clerk of the United States' circuit court of the district of Columbia for the county of Alexandria, do hereby certify that the foregoing is a true transcript of the record and proceedings in a certain suit in chancery, depending in said court, between Lawrence A. Washington and others, complainants, and Bushrod Washington and Lawrence Lewis, acting executors of General George Washington, defendants, with all things touching the same, as fully as they now exist among the records of my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, this 17th day of March, in the year of our Lord 1829.

[L. S.] EDMUND I. LEE, *Clerk Court.*

51.

SUPREME COURT OF THE UNITED STATES.

DISTRICT OF COLUMBIA, *Alexandria County, to wit :*

October Term 1837, 13th day, being the 30th day of October, 1837.

LAURENCE A. WASHINGTON } And Administrators.
vs.
GEORGE WASHINGTON'S } Executors.

This cause now coming on to be heard as to Nancy N. Hammond, administratrix of Thomas Hammond, on the bill, answers and exhibits &c., the report of master commissioner Moore heretofore returned, and the alternative statements by him made of the account of the said Thomas Hammond, with the said executors. It is the opinion of the court that the defendants executors of the said George Washington are not accountable to the said Nancy N. Hammond, administratrix of Thomas Hammond, for the deficiency reported to have arisin on the collection of the debt due from Burdett Ashton, intended to have been secured on his mortgage to the said executors by them assigned to the said Thomas Hammond. But the said Nancy as administratrix as aforesaid, under the terms of the said assignment, and the mortgage from the said Thomas Hammond, to the said executors, is bound to account for and pay over to the said executors, the balance due on the said Ashton's mortgage, after deducting from it the dividends, or shares of the said Ashton and Thomas Hammond, and that this liability is not impaired by the fact that the said Ashton's mortgage did not produce the sum it was intended to secure, nor by the insolvency of the said Burdett Ashton.

The court therefore adopting this statement of the commissioner, (No. 11) doth decree and order that the said Nancy Hammond administratrix of the said Thomas Hammond, do, out of the assets of her intestate in her hands to be administered, pay to the executors of the said George Washington, the sum of $2,158 56, the balance appearing due to them, by statement No. 11, with interest on $1,027 27, the principal sum due, from the first day of June, 1824.

From which decree the complainant Nancy Hammond prays an appeal to the Supreme Court of the United States, which is granted upon her giving bond and security in the sum of $400, to be approved by one of the judges of this court. It appearing to the court that the foregoing decree had been rendered in the above cause at November term 1837, and had then been omitted to be entered, it is now by the court ordered to be entered on the record of proceedings in said suit to take effect as a decree of that term.

A Copy
Test EDM. J. LEE, *C. C.*

81.

SUPREME COURT OF THE UNITED STATES.

DISTRICT OF COLUMBIA, *Alexandria County, to wit :*

October Term 1837, 13th day, being the 30th day of October, 1837.

LAURENCE A. WASHINGTON } And Administrators.
vs.
GEORGE WASHINGTON'S } Executors.

This cause now coming on to be heard as to Nancy N. Hammond, administratrix of Thomas Hammond, on the bill, answers and exhibits &c., the report of master commissioner Moore heretofore returned, and the alternative statements by him made of the account of the said Thomas Hammond, with the said executors. It is the opinion of the court that the defendants executors of the said George Washington are not accountable to the said Nancy N. Hammond, administratrix of Thomas Hammond, for the deficiency reported to have arisin on the collection of the debt due from Burdett Ashton, intended to have been secured on his mortgage to the said executors by them assigned to the said Thomas Hammond. But the said Nancy as administratrix as aforesaid, under the terms of the said assignment, and the mortgage from the said Thomas Hammond, to the said executors, is bound to account for and pay over to the said executors, the balance due on the said Ashton's mortgage, after deducting from it the dividends, or shares of the said Ashton and Thomas Hammond, and that this liability is not impaired by the fact that the said Ashton's mortgage did not produce the sum it was intended to secure, nor by the insolvency of the said Burdett Ashton.

The court therefore adopting this statement of the commissioner, (No. 11) doth decree and order that the said Nancy Hammond administratrix of the said Thomas Hammond, do, out of the assets of her intestate in her hands to be administered, pay to the executors of the said George Washington, the sum of $2,158 56, the balance appearing due to them, by statement No. 11, with interest on $1,027 27, the principal sum due, from the first day of June, 1824.

From which decree the complainant Nancy Hammond prays an appeal to the Supreme Court of the United States, which is granted upon her giving bond and security in the sum of $400, to be approved by one of the judges of this court. It appearing to the court that the foregoing decree had been rendered in the above cause at November term 1837, and had then been omitted to be entered, it is now by the court ordered to be entered on the record of proceedings in said suit to take effect as a decree of that term.

A Copy
Test EDM. J. LEE, *C. C.*